



Faculty of Law

BRISTOL INSTITUTE OF LEGAL PRACTICE

Legal Practice Courses (Full Time & Part Time (Open Learning))

Definitive Course Document As at 4 December 2003

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Legal Practice Course

Definitive Course Document

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1. Institutional Information

1.1 Name and Address

The Bristol Institute of Legal Practice
The Faculty of Law
The University of the West of England, Bristol
Frenchay Campus
Coldharbour Lane,
Bristol BS 16 1QY

1.2 Course Title

Legal Practice Course

1.3 Award

Post-graduate Diploma in Legal Practice

1.4 Mode of Attendance and Duration

Full Time: one academic year (c.36 weeks)
Part Time (by way of open learning): over the course of two academic years.

1.5 First Intake

September 1993 (both modes of attendance).

1.6 Current Validated Intake

The Legal Practice Course (full time and part time) is currently validated for an overall annual intake of 400 students.

At the last validation the Law Society expressed the approved intake as follows:

“400 full-time equivalent students (within the overall figure of 400, up to a maximum of 340 full-time students may be recruited, reducing the first year of the part-time (open learning) intake to 60, or up to a maximum of 120 FTE part-time (open learning) students may be recruited, reducing the full-time intake to 280)”.

1.7 Contacts

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1.8 The University

The University of the West of England, Bristol ('UWE') is one of Britain's most popular Universities with more than 23,000 students and a 1000-strong academic staff. This substantial student community comprises a wide variety of backgrounds providing a rich and lively intellectual and social mix. A full range of services and facilities is available to support staff and students at the University. Close links with industry and the professions ensure that UWE courses are relevant, innovative and ahead of the field.

1.9 The Faculty

The Faculty of Law is one of the largest Law Schools in the United Kingdom, having an academic staffing establishment of over 80. Within the Faculty there are more than 1,600 students attending on a full-time, part-time or block release basis. The Faculty has a strong academic reputation. Its undergraduate award has been awarded an 'excellent' rating by the Higher Education Funding Council for England. The Faculty's Legal Practice course has been awarded The Law Society's highest assessment of 'excellent', a rating which it has now held on five successive occasions and a badge of quality currently held by only three other Law Schools. This 'double excellence' represents a unique achievement amongst Law Schools in England and Wales. The Bar Vocational Course has built upon the best practice of its sister LPC course to

develop a strong reputation among providers. Furthermore the Faculty obtained a '4' grade in the recent research assessment exercise.

The teaching and research in the Faculty is organised within two departments: The School of Law and The Bristol Institute of Legal Practice. The School of Law offers a wide portfolio of courses at undergraduate level. The School also offers a modular LLM programme and supervision for full- or part-time studies leading to the degrees of Doctor of Philosophy (PhD) or Master of Philosophy (MPhil), supported by specialist research training.

Postgraduate vocational courses are organised within the Bristol Institute of Legal Practice, (formerly the Professional Studies Division of the Faculty). These include the CPE (Graduate Diploma in Law) (full-time and open learning), the Bar Vocational Course, and the Legal Practice Course (full-time and open learning). The Institute is also responsible for the development and delivery of short courses and conferences for the legal profession and other bodies. This work includes an extensive continuing education programme for solicitors and the Professional Skills Course run in conjunction with the Bristol Law Society. It plans to launch a number of new courses including a Higher Rights Course and an LLM in Advanced Legal Practice.

1.10 The Bristol Institute of Legal Practice

From 1 October 2001, the Professional Studies and External Studies Division of the Faculty of Law were merged to form a single department of the Faculty and operate under the name "Bristol Institute of Legal Practice". The mission of Bristol Institute of Legal Practice is a sub-set of the mission of the Faculty and may be stated as follows:

"The mission of the Bristol Institute of Legal Practice is to be a model professional law school for the 21st Century, recognised as a market leader and a centre of excellence and innovation in the provision of lifelong professional legal education and related research, providing a first class academic opportunity and experience for students and staff, satisfying the educational needs of practitioners regionally, nationally and internationally and, through enterprise and the commercial exploitation of its assets, make a significant financial contribution to the Faculty of Law and the University."

2. Aims and Objectives for the Legal Practice Course

2.1 Aims

- 2.1.1 to offer a postgraduate programme in legal practice worthy of study in its own right.
- 2.1.2 to prepare a student for the early stages of a training contract by offering a programme of general practice vocational studies and specialist electives drawn from a range of private and corporate client areas.
- 2.1.3 to encourage the acquisition of legal knowledge and the development of legal skills so as to provide a general foundation for later training and practice.

2.2 Objectives

- 2.2.1 to convey a knowledge of legal rules, principles and procedures relevant to the prescribed core, compulsory and pervasive subjects and to the three elective subjects chosen by the student.
- 2.2.2 to ensure the student appreciates that oral and written communication skills underpin the prescribed legal skills and that they are transferable as well as to provide the student with the opportunity to enhance these skills.
- 2.2.3 to develop a level of competence in the prescribed legal skills in a variety of legal contexts as will be required of a trainee solicitor in the early stages of a training contract.
- 2.2.4 to develop a student's ability to combine the knowledge gained and the skills developed so as to identify the objectives of clients, formulate strategies for achieving those objectives and carry out the tasks needed to complete the transactions, all under the supervision ordinarily afforded to a trainee solicitor.
- 2.2.5 to enable the student to satisfy the qualifying requirements of the Law Society in respect of the first stage of vocational training of solicitors.

3. The Market

3.1 Five Markets

The LPC at UWE operates within five markets:

- the south-west regional market;
- the national market;
- the large commercial firm market;
- the non-magic circle City of London firms;
- the international market.

3.1.1 The South-West Region

This market is defined by reference to the potential student's preference for location. This may be influenced by a whole range of factors including his or her present home, parental home, place of undergraduate study, place of work etc. Many students are simply attracted to the location for its geographical and social attributes. Within this market we compete with a relatively large number of other LPC providers, notably Cardiff, Exeter and Bournemouth. Our reputation for high quality, as reflected in our excellent rating from The Law Society, combined with our wide range of elective subjects has enabled us to maintain a high share of this market. In relation to Bristol University students, whilst we have increased our share in recent years, our location outside the city centre remains a disincentive to some.

3.1.2 The National Market

Here we compete with all providers for those students for whom geographical location is not the prime consideration. Again our growing reputation for high quality and legal expertise across a wide spectrum of legal specialisms has led us to increase our share of this market over the past three years or so. A significant proportion of those in this category who apply to us put as 1st, 2nd or 3rd to Nottingham, Oxford, BPP and The College of Law. Whilst those who accept our offer of a place do so for a variety of reasons, our competitive price as compared to the perceived "quality rivals" remains a factor.

3.1.3 The Large Commercial Firms

In addition to the very strong relationship we have established with the major commercial firms in the South-West, our general reputation and strength in commercial subjects has led to a number of major firms outside the region directing their prospective trainees to us.

3.1.4 City of London Firms

In the past we have had a small number of students sponsored by "magic circle" firms in the City of London (notably Clifford Chance, Lovells and Allen & Overy). Whilst we no longer receive "magic circle" sponsored

students, we have gained considerably as a result of the so called “City Course” being offered by Nottingham, BPP and Oxford. A significant number of City of London firms have visited us in the past two years to assess our course and recommended us to their students as a consequence. We expect to build further upon these relationships.

3.1.5 The International Market

We continue to recruit a small number of students based overseas.

3.2 Market Share

Over the past four years we have increased our intake at a rate far in advance of the national growth rate. We believe that we have a very considerable share of the regional market and that this may yet be increased albeit, perhaps, not on the scale we have experienced in the recent past. The demand from the national, large commercial and City of London markets, however, continues to grow and we believe we are in a strong position to compete for the opportunity to satisfy the needs of these students and their employers.

4. Curriculum Structure

4.1 Curriculum

Dictated by the requirements of the Law Society's Review of all Legal Practice Courses, the curriculum is as follows:-

4.1.1 The Core Areas

- the four core legal skills areas of Advocacy, Interviewing, Legal Writing & Drafting and Practical Legal Research
- the separately assessed pervasive area of Professional Conduct (including Financial Services)
- the separately assessed core areas of Solicitors' Accounts and Business Accounts
- the pervasive area of European Law
- the pervasive area of Revenue Law
- the pervasive area of Probate and Administration of Estates
- the pervasive area of Human Rights
- the pervasive areas of client care, risk assessment, business awareness and commercial awareness

4.1.2 The Compulsory Areas

- Business Law & Practice
- Litigation and Advocacy (incorporating Evidence)
- Property Law & Practice

4.1.3 The Elective Areas

(Students to study three electives concurrently from the list of electives set out below)

- Acquisitions & Mergers
- Corporate Finance (Equity)
- Banking and Capital Markets
- Commercial Law
- Commercial Litigation & Dispute Resolution

- Commercial Property
- Employment Law
- Family Breakdown
- Media & Entertainment Law
- Public Child Care and Housing
- Advanced Criminal Litigation
- Private Client (Estate Planning)
- Local Government Law
- Charities & the Not-For-Profit Sector
- Personal Injury & Clinical Negligence

[NOTE: As regards the part time LPC, the elective areas must be grouped to facilitate timetabling within the study sessions. These groupings may affect the availability of particular elective areas to part time students.]

4.2 Structure: Full time LPC

4.2.1 4-5 day induction programme

Course overview, electives' talks, careers panel, allocation of teaching classes and Supervising Principals, introductory overview lectures and contract law clinic.

4.2.2 14 weeks autumn term compulsory areas course (including core areas foundation elements)

- Introduction to the Legal Skills/library based research and other research tools
- Introduction to Professional Conduct/Financial Services
- Introduction to European Law (self study electronic exercise)
- Introduction to Revenue Law
- Introduction to Human Rights and other pervasive areas
- IT training (word processing, e-mail, internet, legal software packages, etc) (if necessary)
- Solicitors' Accounts
- Civil Litigation completed / Criminal Litigation commenced
- Property Law & Practice commenced
- Business Law and Practice commenced

4.2.3 Skills Assessments & Examinations week 1 (1st week of spring term)

- Drafting
- Legal Writing
- Solicitors' Accounts

4.2.4 6 weeks spring term compulsory areas course (including core areas foundation elements)

- Property Law & Practice completed
- Criminal Litigation completed
- Business Law & Practice completed
- Business Accounts
- Probate & Administration of Estates

4.2.5 Revision Week (1)

4.2.6 Skills Assessments Week

- Advocacy
- Interviewing (Probate Context)

[NOTE: PLR (1) undertaken in autumn term. PLR (2) undertaken in spring term.]

4.2.7 Examinations Week 2

- Property Law & Practice
- Business Law & Practice
- Litigation & Advocacy (Two papers: Civil Litigation and Criminal Litigation)
- Business Accounts

4.2.8 2 or 3 weeks spring term electives areas course

- Actual duration depends upon placement of Easter break in academic year
- Students commence study of three electives areas

[Easter Break: Students undertake one directed study session of approximately three hours' duration in each elective]

4.2.9 6 or 7 weeks summer term electives areas course

- Students complete the study of the electives

4.2.10 Revision Week (2)

4.2.11 Examinations Week 3

- Three electives
- In-course reassessments: Legal Skills, Solicitors' Accounts, Business Accounts

[37 weeks in total, 35 weeks excluding the two revision weeks]

4.3 Structure: Part time (by way of open learning) LPC

4.3.1 Session 1 (September of Year 1)

- Induction and introduction to Supervising Principals
- Introduction to the Legal Skills
- Introduction to Conduct
- Introduction to Revenue Law
- Commencement of studies in the compulsory area of Business Law & Practice

4.3.2 Sessions 2 – 7 inclusive_ (October to February of Year 1)

- Continuation of Business Law & Practice
- Probate
- Business Accounts (core area)
- Continuation of core area legal skills workshops
- Introduction to library-based research and other research tools
- Introduction to Financial Services, Client Care & Risk Management

4.3.3 Skills Assessments

- PLR 1 (between September and February)
- Interviewing (Feb/March)

4.3.4 Examinations 1 (Feb/March of Year 1)

- Business Law & Practice
- Business Accounts

4.3.5 Sessions 8 – 10 (March/April to June of Year 1)

- 1 Elective Area
- Completion of outstanding core area legal skills workshops

4.3.6 Skills Assessment

- PLR 2 (June of Year 1)

4.3.7 Examinations 2 (June of Year 1)

- 1 Elective Area

4.3.8 Sessions 11 – 16 (September to February of Year 2)

- Property Law & Practice
- Litigation (Civil & Criminal)
- Solicitors' Accounts (Core Area)

4.3.9 Skills Assessments

- Legal Writing (January)
- Legal Drafting (January)
- Advocacy (Feb/March)

4.3.10 Examinations 3 (Feb/March of Year 2)

- Property Law & Practice
- Litigation (Civil & Criminal)
- Solicitors' Accounts

4.3.11 Sessions 17 – 20 (March to June of Year 2)

- 2 Elective Areas

4.3.12 Examinations 3 (June of Year 2)

- 2 Elective Areas

[NOTE: 20 teaching sessions in all, which are between 2 and 4 days in duration]

5. Information and Communication Technology

5.1 Information and Communication Technology Strategy

Our strategy comprises the following aims:

- 5.1.1 to ensure that by the end of the course all students are familiar with and able to utilise word processing, electronic communication and information retrieval systems;
- 5.1.2 to train staff in the use of electronic delivery systems;
- 5.1.3 to use information technology to enhance delivery of the course;
- 5.1.4 to maximise the use of information technology as a learning medium;
- 5.1.5 to provide high quality software and high specification hardware in base rooms and lecture theatres;
- 5.1.6 to provide adequate and efficient technical support to staff and students.

5.2 Ensuring Familiarity with Information Technology

- 5.2.1 It was our former practice to send out to the students with the joining instructions to evaluate the degree of training necessary in word processing, the use of e mail and retrieval of information from the Web. Where necessary, students are given introductory lessons in all these aspects, as appropriate to their stated levels of competence. It is our experience over recent years that students are increasingly competent in basic word processing skills prior to arrival on the course and the majority are at ease with the use of e mail and legal information retrieval.
- 5.2.2 Students are given basic instruction in electronic sources of law, including Westlaw, Current Legal Information, Lawtel, Lexis, and the Internet. Follow-up sessions ensure that all students have achieved a minimum standard of competence, with library sessions on legal search sources (both paper and electronic) (for each base room group as part of the legal research programme) reinforcing and developing these skills.
- 5.2.3 All students are given their own UWE email address and are asked early in the course to e mail staff (to prove their competence). Thereafter they are encouraged to communicate with each other and with staff and administrators via e mail.

5.3 Staff Training and Use of Information Technology in Delivery

Lecturers now use PowerPoint on a regular basis. PowerPoint data projection facilities are available in the lecture theatres, and we have introduced a staff training program for producing and using PowerPoint slides shows.

5.4 Maximising the Use of Information Technology as a Learning Medium

5.4.1 The LPC Website

We have introduced a home page for the LPC. At present it is an information resource containing sections on course materials and careers. We hope to use the LPC website or Blackboard (see below) as a medium for learning by, for example, including computer-assessed self-test exercises in all of the subject areas.

5.4.2 The Learning Resource Web / Blackboard

The LRW is a virtual learning environment developed in-house in the University. We saw this facility as offering the potential to meet our objective of delivering all of our lecture programme to the open learning students. Accordingly we piloted audio-supported (because of the current web limitations on streaming video) on-line lectures synchronised with PowerPoint presentations. The University decided to replace the LRW by Blackboard, a proprietary VLE application, in September 2003. The 'roll out' to faculties is being managed on a phased basis but Blackboard has been piloted on some law undergraduate modules and on BILP's Higher Rights Programme.

5.4.3 Using Video

The Faculty has one digital and fourteen portable high quality analogue video cameras. These are in addition to fixed audio-visual facilities in the two permanent courtrooms. In addition to their use in workshops students can book the use of the court rooms or the portable cameras for practice in their own time. The value of video as part of the reflective learning process cannot be over emphasised. Video is used at appropriate stages of the course and the Bolland library carries the whole of the College of Law produced law on video series.

5.5 Software and Hardware Provision

The lecture theatres used by the LPC have recently had fixed PowerPoint and data projection facilities installed.

As part of a major initiative in ICT, it is our intention to install PowerPoint / data projectors in all LPC base rooms.

The personal computers in the base rooms run Windows NT with Office XP and the accessible electronic sources include:

- (i) Lawtel
- (ii) Westlaw
- (iii) Justis
- (iv) Current Legal Information
- (v) Halsbury's Laws
- (vi) Laserforms

Access to Lexis is available in the Bolland Library.

5.6 Information Technology Technical Support

The Course is supported by:

- 5.6.1 a full time Information and Communication Technology Consultant;
- 5.6.2 a full time Technician; and
- 5.6.3 a full time Information and Communication Technology Officer / Demonstrator.

6. Teaching Methods and Materials

Note: During the academic year 2001/02 the LPC Quality Assurance Committee ("the QAC") produced a Good Practice Guidance for LPC staff as to the design and conduct of Small Group Sessions and Large Group Sessions (including the appropriate use of visual aids). This Guidance was produced using material gleaned from a variety of sources, including reports from Law Society Assessors on the LPC at UWE; the Law Society's annual global reports on the outcomes of Assessment Visits across all LPC providers; and the results of the QAC's previous reviews of good teaching practice. A further good practice guidance covering the purposes and design of Tutor Instructions for Small Group Sessions has since been produced by the QAC. The Good Practice Guidance will be kept under review by the QAC and, as appropriate, amended in the light of fresh sources of relevant information.

6.1 Student Centred Learning

A 'student centred learning' approach has always informed the delivery of the LPC. The course requires that a real emphasis is placed both on the acquisition of legal knowledge (substantive and procedural) and on the application of that knowledge in a practical context that promotes the development of the Legal Skills.

6.2 Pre-reading, Self-Test Questions and Preparatory Tasks

Students on the LPC acquire much of their substantive and procedural knowledge through pre-reading, both from published Manuals and additional materials produced by the LPC team itself, and, on occasion, by means of Large Group Sessions. This pre-reading is often supported by the provision of self-test/guidance questions, which are designed: (a) to ensure that there is an appropriate focus on the principal elements covered in the directed reading; and (b) to provide an opportunity to test understanding at a relatively simple level in readiness for the workshop sessions.

On occasions, students are also required to undertake short preparatory tasks in order to provide them with an opportunity, before the relevant workshop, to apply the relevant principles and thereby gauge their understanding.

Time is typically given over at the beginning of the workshop session itself to deal with any issues/queries arising from the student's preparatory work.

6.3 Large Group Sessions

The principal function of these 1 hour 'lecture' sessions is to support the detailed consideration of the subject that the students undertake in their 3 hour Small Group ("workshop") Sessions. To this end, Large Group Sessions are used for a variety of purposes, eg, to expand upon particular issues; to explain complex areas; to provide an overview of the learning outcomes of a series of workshop sessions; and to introduce students to the type of documentation that

they will encounter in the workshops. The appropriate use of Large Group Sessions, and the various teaching methods that might be employed within such sessions, was the subject of a review conducted by the LPC Quality Assurance Committee in 1996 in the light of the outcomes of an LPC Providers' Workshop on such sessions. One result of this review was to increase the use of interactive, problem-solving exercises in Large Group Sessions. On occasion, students are required to undertake pre-reading and self-test/guidance questions in preparation for these sessions.

Students on the Part Time course will either receive the same Large Group Sessions as their Full Time peers, or will be provided with detailed written notes covering the issues dealt with in the relevant session.

6.4 Small Group Sessions

The 3 hour Small Group ("workshop") Session provides the principal teaching mechanism on the LPC, supported by pre-reading, self-test/guidance questions and Large Group Sessions. It is in these workshop sessions that students, typically working in sub-groups of 3 to 4, are provided with an opportunity to apply their knowledge in the context of tasks which seek to replicate the type of matters dealt with by practicing solicitors.

Undoubtedly, the length of these sessions provides a challenge for both students and tutors on the LPC, and requires a rigorous structure in order to ensure that students leave the session with a clear picture of the learning outcomes. Pursuant to the recommendation of the Law Society Assessors during their monitoring visit in November 2000, each subject team has reviewed the appropriateness of 3 hour sessions. As a result of this review, the Solicitors' Accounts team has, from 2001/02, split each of its workshop sessions on the Full Time course into two 1 hour and 30 minute sessions. This innovation has, from the perspective of the Solicitors' Accounts team, been of considerable assistance in promoting the effective coverage of the subject and has also been consistently well-received by the student cohort. For the other subjects, the relevant teams remain convinced that 3 hour sessions are essential if the students are to be provided with a meaningful opportunity to apply their knowledge of substantive and procedural law in a practical context and thereby to develop a real grounding in the Legal Skills.

One workshop session in each of the elective subjects on the Full Time course is undertaken by way of self-directed study over the Easter vacation. Students are provided with feedback on this session by means of written feedback sheets and/or by way of group discussion in either a Large or Small Group Session.

6.5 Teaching Materials

For each compulsory and elective subject, students on the LPC are provided with published Manuals specific to the subject, in addition to Manuals covering the Legal Skills and the Pervasive Subjects. These published Manuals rarely provide in full the comprehensive coverage of the subject that

is required. In the case of the Commercial Litigation & Dispute Resolution and Private Client (Estate Planning) electives, the inadequacy of the relevant published Manuals has prompted the teams to produce their own Manuals in-house. The Published Manuals are supplemented by a variety of additional materials produced by the course team, ranging from notes on particular topics, to copies of relevant statutes, selections of prescribed/practice forms, etc. In addition, students have access to a wide range of practitioner texts, both in the workshop rooms, and in the LPC Resource Room.

6.6 Feedback

The principal mechanism for providing feedback to students on workshop tasks is the plenary discussion session. The length and structure of the workshop sessions also enables the tutor to provide focused oral guidance and feedback to individuals and/or to sub-groups whilst the students are undertaking the relevant tasks. The appropriateness of providing written feedback/example documentation for workshop tasks has continued to be an important issue for the LPC, and has been specifically considered by the LPC Quality Assurance Committee. The issue is also addressed, under the heading 'Teaching Methods - Feedback' in Section 3 of the LPC Course Handbook. The course team is, in this respect, anxious to ensure:

- that the students are provided with encouragement to formulate an appropriate 'style' of their own when drafting documentation;
- that the students are not misled into believing that there is always a single 'correct' outcome to a particular task, but that there is often more than one way of addressing the legal/factual criteria involved.

Nevertheless there has, for many subjects, been a measured increase in the volume of written feedback/example documentation provided to the students on the LPC, since the course commenced in 1993/94. Care is taken, however, to ensure that such material is introduced in such a way as to inform the student's development of an appropriate approach to workshop tasks, rather than being promulgated in the form of a 'model answer'.

6.7 Clinic/Review Sessions

Pursuant to student comment, and with the encouragement of the Law Society Assessors, Clinic and/or Review task sessions have been introduced into both the compulsory and elective programmes on the LPC.

The object of Clinic sessions is to provide an additional opportunity for students to reflect on the subject matter of the more demanding aspects of the course, and so consolidate their knowledge and understanding, eg by undertaking new tasks in relation to work covered in previous workshops.

Review task sessions have been introduced into all compulsory subjects and are designed to provide students with opportunities to practice for the examinations. These sessions take a variety of forms. For example, in some

compulsory subjects, students undertake examination-type tasks in their own time. They are then provided with either a point form written answer or group oral feedback.

6.8 IT

Please see Section 5: Information and Communication Technology Strategy.

7. Syllabuses Including Aims and Objectives and Outcome Statements for Electives

This section contains syllabuses for the thirteen electives currently offered on the LPC:

- 7.1 Acquisitions and Mergers
- 7.2 Advanced Criminal Litigation
- 7.3 Banking and Capital Markets
- 7.4 Commercial Law
- 7.5 Commercial Litigation & Dispute Resolution
- 7.6 Commercial Property
- 7.7 Corporate Finance Law
- 7.8 Employment Law
- 7.9 Family Breakdown
- 7.10 Local Government Law
- 7.11 Media and Entertainment Law
- 7.12 Private Client (Estate Planning)
- 7.13 Public Child Care and Housing Law & Practice
- 7.14 Charities & the Not-For-Profit Sector
- 7.15 Personal Injury & Clinical Negligence

7.1 Syllabus

Elective: Acquisitions & Mergers

7.1.1 Outline syllabus showing content and hours

(a) Content

- (i) The different types of acquisitions in the UK:
 - unincorporated businesses
 - companies.
- (ii) Companies: a comparison between the sale of shares and the sale of businesses as going concerns.
- (iii) Share sales (1): (i) the role of the advisers (in particular, the role of the solicitor / the typical work of a trainee solicitor on such a transaction), (ii) the “timetable” for the transaction in outline, (iii) the main contractual documentation in outline (share sale agreement, disclosure letter, tax deed of indemnity).
- (iv) Share sales (2): (i) due diligence / legal reviews / fact gathering / fact analysis, (ii) warranties and indemnities in a share sale agreement (drafting, negotiation, re-drafting), (iii) disclosures in a share sale agreement, (iv) taxation on the sale of shares (including deferred consideration and payments made under the warranties / indemnities), (v) exchange of contracts and completion (including, conditional contracts).
- (v) *Business sales (1): (i) the role of the advisers, (ii) the “timetable” for the transaction in outline, (iii) the acquisition agreement in outline.

*Note: There will be overlap in content with paragraph (iii). The emphasis here will be on the differences between the two types of acquisition.

- (vi) Business sales (2): particular aspects of the sale of a business as a going concern: Warranties, employees, pension rights, taxation, intellectual property, EU merger control, real property.

(b) Hours

4½ x 1 hour LGS	=	4 ½ hours
9 x 3¼ hours SGS	=	29¼ hours
1 x directed study session over Easter break=		3 hours
		36¾ hours

7.1.2 Written standards / outcome statements for the elective

On completion of this elective, students should understand the different types of acquisition in the UK, should appreciate the legal / commercial / taxation factors that influence the structure of the acquisition as either a share purchase or business purchase, should be familiar with the role of the advisers on a share sale and business sale and should understand how such transactions are carried out in practice (with particular reference to the detailed case studies). In considering the role of the lawyer in due diligence, fact gathering / analysis, drafting/ re-drafting of contractual documentation, negotiation and arranging exchange / completion, particular emphasis will be laid on the role of the trainee solicitor as part of the team of advisers. It is stressed that the emphasis is such that, on completion of this elective, students are not expected to be able to carry out such a transaction in practice without the appropriate supervision and guidance.

In particular, with reference to a given facts scenario, students should:-

- understand why the acquisition is of shares or business;
- appreciate the effects of the major facts or issues on the timetable and the main contractual documentation; and
- understand how due diligence is carried out (and how any “problems” revealed are dealt with) and what the role of the trainee solicitor may be at this stage;
- be aware of one or two of the most common areas of contention between the parties in relation to the drafting and negotiation of the contractual documentation;
- understand the role of the trainee solicitor in preparing for and carrying out exchange of contracts and completion.

7.2 Syllabus

Elective: Advanced Criminal Litigation

7.2.1 Outline syllabus showing content and hours

(a) Content

- (i) Powers of arrest
 - Police powers of detention
 - Duties of custody officers before and after charge
 - Detention time limits and reviews of detention
 - Rights of detained persons
 - Charging and alternatives to charging
 - Police bail
- (ii) Police investigative methods
 - Identification procedures
 - Powers to search persons and property
 - Powers to take intimate and non-intimate samples
 - Powers to take fingerprints and photographs
 - The conduct of police interviews
- (iii) The following skills in the police station context:
 - * assertion
 - * investigation
 - * legal advice and representation
 - * negotiation
- (iv) Prosecution obligation to disclose evidence it intends to use
Prosecution obligation to disclose material it does not intend to use
Defence obligation to disclose material
- (v) Methods of commencing the criminal process
 - The criminal trial process in summary courts.
 - Preparation for summary trial.
 - Fact management and analysis..
 - Opening and closing speeches.
 - The elements of offences
 - Modes of participation
- (vi) The criminal trial process in the Crown Court
 - Committal proceedings
 - Plea and Directions Hearings
 - Briefs to counsel
- (vii) Burdens of proof
 - The evidential consequences of:

- * silence/selective silence
- * denying guilt in interviews
- * confessions

Legal professional privilege
 Trial exclusion of confessions and unfairly obtained evidence
 Statements of co-accused
 Other rules of evidence in a practical context

- (viii) The role of the prosecution and defence lawyer as advocates in criminal cases.
 Ethical and professional rules of conduct.
- (ix) Appeals
 Case stated
 Judicial review
 Court of Appeal
 House of Lords
- (x) Sentencing
 Road traffic penalties
 Youth sentencing

Note that included in the syllabus are some areas of assumed knowledge, and other areas where assumed knowledge may require updating.

(b) Hours

3 x 1 hour LGS	= 3 hours
9 x 3¼ hours SGS	= 29¼ hours
1 x directed study session over Easter break	= 3 hours
	35¼ hours

7.2.2 Written standards / outcome statements for the elective

Defending starts at the police station and the aim of the first part of this option is to enable the student to learn further how to defend clients who have been arrested and detained by the police appropriately and efficiently. It also seeks to prepare the student for the Law Society/Criminal Defence Service accreditation procedure. More specifically, it seeks to:

- refresh and develop the student's knowledge of relevant criminal law and the law of evidence so that s/he is able to advise clients appropriately in the exacting context of the police station;
- give the student a high level grounding in appropriate procedural law, in particular the Police and Criminal Evidence Act 1984(PACE), the PACE Codes of Practice and the right to silence provisions of the Criminal Justice and Public Order Act 1994;
- develop skills that are relevant in the police station context;
- instil an ethical approach to police station practice;
- introduce the student to the methods of assessment used in the Law Society/Criminal Defence Service accreditation scheme.

The aim of the second part of this option is to enable the student to learn how to prepare for, and conduct, trials and to defend effectively and comprehensively through the courts clients who have been charged with criminal offences.

More specifically, it seeks to:

- refresh and develop the student's knowledge of relevant criminal law, the law of evidence and sentencing practice and procedure so that s/he is able better to advise and assist clients as they go through the often worrying and confusing processes of the criminal courts;
- give the student a high level grounding in the practice of preparing a criminal case for trial, both in the Magistrates Court and the Crown Court, including consideration of issues relating to venue and disclosure of unused material;
- enable the student to understand the practice and procedure of sentencing, with particular reference to youths and road traffic law;
- further develop advocacy skills, in the context of a plea in mitigation;
- advance the student's knowledge of the various avenues of appeal.

7.3 Syllabus

Elective: Banking and Capital Markets

7.3.1 Outline syllabus – content and hours

(a) Content

- (i) Major sources of debt finance
 - bank loans
 - debt securities issued in the capital markets

- (ii) Loans
 - capital adequacy constraints for lending banks
 - difference between
 - term and revolving credit facilities
 - bilateral and syndicated lending
 - significance of
 - committed and uncommitted facilities
 - recourse and non-recourse lending
 - structure and content of
 - timetable
 - term sheet
 - loan agreement
 - emphasis on major elements
 - interest basis
 - representations and warranties
 - covenants
 - default
 - syndication provisions
 - jurisdiction
 - disclosures
 - secondary debt – novation or assignment of lender's interest
 - roles of lawyer for lender and for borrower
 - fact gathering, legal review, due diligence and analysis
 - drafting and negotiating
 - conflicts of law where borrower or security provider not incorporated within English jurisdiction
 - jurisdiction, governing law, waiver of sovereign immunity
 - legal opinions
 - purpose, form and content

- (iii) Secured Lending
 - purpose and nature of security
 - different types of security and quasi-security
 - loans that are usually made on secured basis – land, aircraft, ships

- quasi security
- guarantees and comfort letters – distinguished
- priorities, registration of charges, crystallisation, corporate benefit, financial assistance.

(iii) Capital Markets

- Outline of
- euromarkets
- different debt instruments
- bonds, commercial paper, medium term notes
- certificates of deposit and acceptance credits
- structure of an issue
- parties
- timetable
- documentation
- legal nature of different instruments
- significant terms of relevant issue documents
- listing requirements and listing particulars liability
- role of lawyers for issuer, manager and trustee
- drafting and negotiating
- information gathering, due diligence, legal review and analysis

(b) Hours

LGS	4 x 1 hour	=	4
SGS	9 x 3¼ hours	=	29¼
Easter – directed study session		=	3
			36¼ hours

7.3.2 Objective and standards statement for the elective

On completion of the elective students should

- understand the different ways of raising debt finance and the types of facilities most appropriate to the borrower’s requirements;
- appreciate the commercial and legal criteria that underlie a debt financing transaction be it a loan or a debt securities issue, and influence the structure of the transaction;
- recognise the responsibilities of the advisers in the different transactions and the differing role of the legal advisers in particular; and
- understand (through detailed case studies) the procedural and practical steps that have to be taken at each stage of a transaction.

In considering each aspect of the lawyer’s role particular emphasis will be placed on the contribution a trainee solicitor may provide as a member of the

legal team advising either the borrower or the lender. On completion of the elective students will appreciate that they will not be expected to conduct such transactions in practice without appropriate supervision.

Students should, by reference to scenarios of given facts, be able to

- understand the rationale of the different methods of raising debt finance;
- appreciate how important facts or issues influence the timetable and contractual terms of a transaction;
- recognise the most common areas of contention between the parties when drafting and negotiating the documentation;
- understand how problems uncovered in the course of fact gathering, due diligence and negotiating are addressed; and
- understand the role of a trainee solicitor as a member of a legal team and the contribution that can be made in all aspects but particularly to due diligence, preparation for and implementation of signing of documents and closing of transactions.

7.4 Syllabus Elective Commercial Law

7.4.1 Outline syllabus showing content and hours

(a) Content

- (i) The role of a commercial solicitor
 - Need for commercial awareness
- (ii) Commercial contracts
 - The importance of contract law in commerce
 - Formation and terms of a commercial contract
 - Breach and legal and 'self help' remedies
 - Implied terms and exclusion clauses
- (ii) Sale of goods
 - Implied terms
 - The passing of property and risk
 - Delivery and retention of title clauses
 - Remedies for breach of contract and the measure of damages
- (iv) Intellectual Property
 - The significance of IP Rights to the commercial client
 - The different types of IPR (including the nature of such rights and when and in respect of what each type is relevant)
 - The creation / registration, ownership, duration and benefits of each IPR
 - The breach and enforcement of IPR
 - The sale and licensing of IPR
- (v) International Sale Agreements
 - The particular problems which arise in international sales
 - The procedure for a typical export transaction
 - Different methods of transport
 - The interaction between Incoterms and the Sale of Goods Act
 - The significance of Bills of Lading
- (vi) Agency and Distribution Agreements
 - The comparison between the appointment of an agent and a distributor

The commercial circumstances when each may be appropriate
 The terms, which should be included in each, and the
 significance of EC legislation.

(vii) Payment mechanisms in International Sales

Bills of Exchange

Documentary letters of credit and Uniform Customs and
 Practice

The procedure for opening a letter of credit

Security in international sales including trust receipts.

(viii) Competition Law

The relevance of competition regulation to a commercial
 client

UK competition law under the Competition Act 1998

EC competition law (including Articles 81 and 82 of the Treaty
 of Rome and the Merger Regulation)

The inter-relationship of UK and EC competition regulation

Legal and practical consequences of breach of UK and EC
 competition regulation

The role of the UK and EC competition authorities in the
 investigation and enforcement of competition regulation

(b) Hours

4 x 1 hour LGS	=	4 hours
9 x 3 1/4 hours SGS	=	29 1/4 hours
1 x directed study session over Easter break	=	3 hours

36 1/4 hours

7.4.2 Written standards / outcome statements for the Elective

On completion of this Elective, students should:

- understand the role of a commercial solicitor;
- appreciate better the need to understand the commercial objectives of commercial clients;
- be able to recognise a wide range of legal issues arising in commercial transactions;
- be better able to identify legal and practical solutions to the problems of commercial clients;
- have developed further their legal writing and drafting skills and appreciate the importance of the skill of negotiation for a commercial solicitor;
- and appreciate the importance of seeing the application of (sometimes complex and detailed) law in the wider commercial and practical context of the business environment.

7.5 Syllabus

Elective: Commercial Litigation & Dispute Resolution

7.5.1 Outline syllabus showing content and hours

(a) Content

- (i) Selection of appropriate methods of resolution of commercial disputes. Rules of court and tactical considerations relating to identification of appropriate court and division of issue and the specialist court lists. Selection of appropriate originating procedure.
- (ii) Alternative Dispute Resolution. The various methods of ADR, appropriate use of ADR and the role of the solicitor in ADR.
- (iii) Injunctions. The nature of injunctive relief and the principles upon which the court acts. On notice and without notice applications. Law and procedure relating to Freezing Injunctions and Search Orders. Obtaining evidence for an application. Analysis of evidence. Undertakings to the court by client and solicitor. The duty of full and frank disclosure. Costs applications. Post order matters.
- (iv) Arbitration. Outline of the law and procedure relating to a domestic arbitration of a commercial dispute under the Arbitration Act 1996.
- (v) Winding up and bankruptcy procedures appropriate to commercial litigation. Appropriate and inappropriate use of the statutory demand. Setting aside a statutory demand. Use of insolvency procedures to preserve assets for recovery. Accepting payment after presentation of the petition.
- (vi) Procedure and tactics. Entitlement to and calculation of interest. Pre-action enquiries and other issues relating to commercial debt actions. Calculation of time under the CPR. Procedural and tactical considerations in the context of both making and defending a claim, particularly security for costs and issues relating to jurisdiction. Procedure for service out of the jurisdiction. Disclosure and privilege.
- (vii) Settlement before proceedings have been issued. Part 8 Claims. Costs-only proceedings. Detailed assessment of costs.
- (viii) Enforcement of judgments. Obtaining information as to the debtor's assets. Methods of enforcement available. Tactical

and procedural considerations in selecting methods of enforcement and court in which judgment is to be enforced. Freezing injunctions in aid of enforcement. Costs of enforcement.

- (ix) Effective use of information technology in the context of commercial litigation. Developing familiarity with and confident use of commercial forms packages and forms available on the Lord Chancellor's Department's web site.

(b) Hours

3 x 1 hour LGS	= 3 hours
9 x 3¼ hours SGS	= 29¼ hours
1 x directed study session over the Easter break	= <u>3 hours</u>
	<u>35¼ hours</u>

7.5.2 Written standards / outcome statements for the elective.

On completion of this elective, students should have built upon the knowledge and skills they acquired during the Civil Litigation course and have developed a sound understanding of the more common procedures likely to be encountered in a Commercial Litigation department, including ADR and Arbitration.

Students should appreciate both the need to ascertain the commercial, legal and economic objectives of the commercial client and the range of methods of resolution which can be used to achieve a desirable outcome for the client.

Students should have a sound understanding of procedures such as applications for Freezing Injunctions and Search Orders where they may be required to participate as part of a team. This understanding should enable students to make an appropriate contribution to such a team.

Students should have experience of the use of commercial IT forms packages enabling them to make confident and effective use of such IT in an office setting.

7.6 Syllabus

Elective: Commercial Property

7.6.1 Outline syllabus showing content and hours

(a) Content

(i) The Commercial Lease

- The structure and content of leases (including sub-leases) of commercial premises, including the following usual provisions: rent (including rent-free periods), rent review, term (including break clauses), user, planning control, environmental liability, repairs, alterations/improvements, service charge, insurance, alienation (including Landlord and Tenant (Covenants) Act 1995), statutory obligations, sureties, costs, VAT and forfeiture.
- Dealings with the commercial lease: applications for licence to assign/sub-let/charge (including Landlord and Tenant Act 1988); drafting the licence (including authorised guarantee agreement) and assignment.
- The taxation of commercial leases, with particular emphasis on (a) Stamp Duty and (b) VAT (including the option to tax) on rent, costs and on a variety of common commercial leasehold transactions.
- The security of tenure regime for commercial leases: when the Act applies; avoiding the Act; termination and renewal procedure; interim rent and statutory compensation.
- Remedies on tenant default/insolvency: forfeiture; distress; disclaimer; liability of sureties, original tenants and intermediate assignees (including notices under s.17 Landlord and Tenant (Covenants) Act 1995 and applications for an overriding lease).

(ii) Planning

- Outline of the planning system: the planning legislation and the administrative structure through which it operates.
- Definition of Development: the General Permitted Development Order; the Use Classes Order; the sources and application of planning policies.
- Planning Permissions and Conditions: the judicial concepts of the planning unit and ancillary uses; applications for planning permission; the statutory framework for and practical impact of conditions.

- Planning Agreements: the statutory power to enter into planning agreements; Secretary of State's guidance; local planning authority practice.
- Overview of Local Planning Authority's Enforcement Powers.
- Appeals: against the refusal of planning permission; against the imposition of conditions; against the service of enforcement notices.

(b) Hours

3 x 1 hour LGS	= 3 hours
9 x 3¼ hours SGS	= 29¼ hours
1 x directed study session over Easter break	= 3 hours
	<u>35¼ hours</u>

7.6.2 Written standards/outcome statement for the elective

On completion of this elective students should possess, at a level commensurate with their status as trainee solicitors, a sound understanding of:

- the contents and operation of the commercial lease.
- the manner in which the provisions of the commercial lease might vary depending upon the nature of the subject premises.
- the concerns that inform the parties when negotiating leases and sub-leases of commercial premises.
- the role of the client and its professional advisers in negotiating the provisions of a commercial lease, and the conventions of such negotiation.
- the matters to be taken into account and the nature of the documentation involved when negotiating and effecting an assignment or sub-letting of a commercial lease.
- the critical use of precedents when drafting/amending/dealing with the commercial lease.
- the Stamp Duty and VAT implications of a variety of commercial lease transactions.
- the security of tenure regime governing the commercial lease.
- the operation of the commercial lease in the event of tenant default/insolvency, the remedies practically open to the landlord in these circumstances, and a familiarity with the documentation typically encountered in this context.
- the planning system and its operation by the Secretary of State and local planning authorities.
- the definition of development and the content and operation of the General Permitted Development Order and the Use Classes Order. In particular, the practical relevance of this knowledge to pre-contract enquiries, local land charges searches and lease user clauses.
- the policy basis on which planning applications are determined. In particular, the development plan and the role of the Secretary of State's

- policy guidance ('PPGs') and procedural and legal guidance ('circulars').
- the extent of the statutory power to impose conditions and the practical importance of conditions to the client. A working knowledge of planning agreements and their drafting. A critical understanding of the conflict between the extent of the statutory power to enter into planning agreements and the Secretary of State's guidance.
 - (in outline) the enforcement powers available to a local planning authority. A working knowledge of enforcement notices and their drafting.
 - the rights and grounds of appeal to the Secretary of State against the refusal of planning permission, the imposition of conditions and the service of enforcement notices.

7.7 Syllabus

Elective: Corporate Finance (Equity)

7.7.1 Outline syllabus showing content and hours

(a) Content

- (i) An overview of corporate finance regulation. The FSA, the UKLA and the Listing Rules, the London Stock Exchange, the Investment Protection Committees (IPCs), The Takeover Panel, the Merchant Banks & Sponsors, underwriting. Raising equity finance in London and a typical corporate finance transaction.
- (ii) The additional legal and regulatory framework applicable to **public** limited companies (for example, unlawful financial assistance). A review of group corporate structures: subsidiaries & subsidiary undertakings, divisions, parent & holding companies and sister companies. The plc AGM.
- (iii) The additional legal and regulatory framework applicable to **directors** and **major shareholders** of public limited companies. Statutory requirements, the Model Code, the Combined Code, insider dealing and market abuse.
- (iv) Raising equity finance through the issue of securities. The regulation to consider on a corporate finance transaction. The methods of raising finance in outline with reference to both initial and subsequent offerings. Subsequent offerings in detail: rights issues, open offers, placings. The impact of the Companies Act 1985 (in particular, ss.121/80/89), the Listing Rules (in particular, chapters 5,6,7 and 8), the FSMA 2000 and the IPC guidelines. Liability for false statements. An example timetable for a rights issue. The role of the corporate finance lawyer: agreeing the timetable, verification, drafting and commenting on parts of the prospectus, understanding the underwriting arrangements and fees and understanding the roles of the other advisers. Consideration of particular aspects of a real prospectus (e.g. the Chairman's letter, the additional information and the Notice of EGM) with reference to the Listing Rules.
- (v) Acquisitions and equity finance raising. Transactions by public limited companies and the impact of chapter 10 of the Listing Rules with particular references to the class tests and the requirements for a class 1 transaction. The overlap with chapter 6 regulation where shares are being issued to fund the consideration (i.e. the combined prospectus and class 1 circular). The impact of the IPCs. Vendor placings with and

without clawback. A model timetable for completion of an acquisition with a vendor placing. A detailed consideration of particular statements to be made in the class 1 circular. Consideration of particular aspects of a real class1/prospectus.

- (vi) Takeovers. The Takeover Code, SARs and the Panel. Voluntary and mandatory bids. Recommended and hostile bids. Timetable and documentation. Stakebuilding. Failed bids and procedures to acquire shares of dissenting minorities.
- (vii) Tax in the city context. Taxation of corporate clients. Tax consequences of different types of finance raising schemes.

(b) Hours

4 x 1 hour large group sessions (lectures)	= 4 hours
9 x 3¼ hours small group sessions (workshops)	= 29¼ hours
1 x directed study session over the Easter break	= 3¼ hours

Total hours	= 36½ hours
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7.7.2 Written standards/outcome statements for this elective

On the completion of this elective, students should have a basic understanding of the law and regulatory regimes that form the foundation of a city commercial practice. Students should understand the role of the city lawyer and in particular that of the trainee solicitor in the mainstream corporate finance transactions.

In particular, with reference to example case studies, students should:

- appreciate that “tiers” of overlapping regulation are likely to apply to any given transaction (e.g. CA 1985, FSMA Act 2000, The Listing Rules, IPC guidelines and the Takeover Code);
- understand the commercial purpose behind any given finance raising exercise as well as the commercial, legal, regulatory and taxation factors that have driven a particular transaction;
- understand the legal and regulatory constraints applicable to directors of public limited companies in the discharge of their duties; and
- appreciate the roles of the other professional advisers in a typical transaction.

7.8 Syllabus

Elective: Employment Law

7.8.1 Outline syllabus showing content

(a) Content

- (i) Terms and conditions of employment contracts
 - Sources of terms and the process of incorporation
 - Express and implied terms
 - The effect of statute on terms
 - Drafting contracts of employment
 - Methods of and consequences of variation of terms

- (ii) Termination of the contract
 - Methods of termination
 - Dismissal
 - Relationship between variation and termination of contract

- (iii) Wrongful dismissal
 - Notice entitlements
 - Justification for termination without notice
 - Fixed term contracts
 - Jurisdiction
 - Remedies

- (iv) Unfair Dismissal
 - Relationship with wrongful dismissal
 - Qualifying for the right
 - The 5 potentially fair reasons
 - Fairness in all the circumstances and the importance of procedures
 - Bringing and defending a claim: the burden of proof
 - Negotiation and settlement
 - Remedies available in the Employment Tribunal
 - Preventive measures: disciplinary procedures, good employment relations in practice.

- (v) Redundancy
 - Statutory definition and judicial interpretation
 - Relationship with unfair dismissal
 - Selection and consultation criteria
 - Remedies

- (vi) Discrimination
 - Forms of discrimination (Race, sex and disability)
 - Bringing and defending a claim
 - Burden of proof issues

- Compensation and other remedies
- (vii) Employment Tribunal Practice and Procedure
 - Preparing to bring or defend a case
 - The Rules of Procedure (overview)
 - Evidence (overview)
 - Advocacy (overview)
 - Role of ACAS (overview)
 - Negotiation and settlement
- (viii) Transfer of Undertakings
 - The Acquired Rights Directive
 - Statutory definition and domestic and European judicial interpretation
 - Financial and other implications for employers and employees
- (ix) Restraint of Trade
 - Meaning of 'restraint' and drafting objectives
 - Forms of drafting
 - Protection of proprietary rights and the concept of reasonableness
 - 'Garden leave' clauses
 - Overlap with dismissal claims
- (x) Confidentiality
 - Definition of confidentiality
 - Implied and express terms
 - Drafting requirements
 - Protection during and after employment
 - Injunctions

(b) Hours

6 x 1 hour LGS	=	6 hours
9 x 3¼ hours SGS	=	29¼ hours
1 x directed study session over the Easter break	=	3¼ hours
		= 38½ hours

7.8.2 Written standards / outcome statements for the elective.

On completion of this elective students should have an understanding of the common law and statutory framework (including European legislation) that underpins the practice of employment law.

Students should be able to formulate advice dealing with issues arising from an employment contract, including terms, construction, variation and termination of contract. This will include issues arising in relation to restraint of trade and confidentiality.

Students should have a grasp of the major statutory claims, namely unfair dismissal, redundancy, discrimination and transfer of undertakings related claims. They should be able to advise on how such claims can arise, formulate appropriate approaches to dealing with claims and understand and advise in relation to compensation issues arising.

Students should also be able to advise on the effect of overlap between claims and the implications in relation to dealing with the issues arising appropriately and in particular the effect upon remedies.

7.9 Syllabus

Elective: Family Breakdown

7.9.1 Outline syllabus showing content and hours.

(a) Content

- (i) The law of divorce:
 - jurisdiction
 - the five facts
 - delays, bars and defences
- (ii) undefended divorce procedure, including costs and public funding.
- (iii) Protecting assets:
 - registration of matrimonial home rights
 - s.37 MCA
 - registration of pending land actions
 - new wills/severance of joint tenancies
- (iv) The law relating to ancillary relief claims:
 - the MCA 1973 (including s.5 and s.10) and related case law
 - the CSA
 - taxation implications
 - the impact of the welfare benefits scheme
- (v) Procedure for ancillary relief claims:
 - drafting Form E's, statements of issues, questionnaires
 - investigating the opponent's case
 - obtaining consent orders
 - legal aid and the statutory charge
 - enforcement methods
 - public funding
- (vi) The law relating to the resolution of disputes relating to and protection of children:
 - the CA Part 1 and 2 and related case law
 - an introduction to the CA Parts 3 to 5
- (vii) Procedure for resolving disputes under Part 2 CA:
 - the use of mediation
 - drafting applications and statements
 - directions appointments
 - evaluating welfare reports
 - public funding
- (viii) The law and procedure relevant to resolving problems of domestic violence:
 - Part IV Family Law Act

- The Protection from Harassment Act
- (ix) Disputes between cohabitants:
 - property disputes (the application of trust principles)
 - children disputes (financial and care)
 - the impact of the taxation and welfare benefit schemes

(b) Hours

3 x 1 hour LGS	=	3	hours
9 x 3¼ hours SGS	=	29¼	hours
1 x directed study session over the Easter break	=	<u>3</u>	<u>hours</u>
		35¼	hours

7.9.2 Written standards / outcome statements for the elective.

On completion of this elective, students should:

- understand the law relating to divorce/ancillary relief claims/property disputes between cohabitants/children disputes/domestic violence and be able to advise on the application of it in a variety of different factual situations.
- understand the law relating to local authority intervention in families to a standard that enables a student to recognise a public child care issue.
- understand the impact of the taxation and welfare benefit schemes on a family in breakdown and advise on the application of them in a variety of different factual situations.
- be able to undertake a simple undefended divorce with minimal supervision.
- be able to carry out procedures involved in ancillary relief claims/CA Part 2 proceedings/obtaining non molestation and occupation orders with supervision.
- appreciate the advantages of adopting a conciliatory approach to family disputes and of using such mediation schemes as may be available in practice.

7.10 Syllabus

Elective: Local Government Law

7.10.1 Outline syllabus showing content and hours.

(a) Content

- (i) The structure and statutory framework of local government. An overview of the functions of local authorities, elections, the role of political parties and the operation of the political group system, the statutory officers – Monitoring Officer, Finance Officer and Head of Paid Service.
- (ii) New systems of governance. The executive versus scrutiny. Elected mayors, cabinet and the function and role of a councillor.
- (iii) Standards committees and code of conduct for members and officers.
- (iv) Challenges to decision making: courts, judicial review (including human rights challenges, and to challenges to vires) the Ombudsman and the District Auditor.
- (v) The role of the Local Authority Solicitor: their client, their obligations. Conflicts and how they are practically resolved.
- (vi) The financing of Local Authorities and its constraints.
- (vii) Best Value and competition.
- (viii) An overview of the major functions of Local Authorities to include education, social services, housing and environmental health.

(b) Hours

10 x 3 ¼ hour SGS	=	32 ½ hours
1 directed study session	=	3 hours
		<u>35 ½ hours</u>

7.10.1 Written standards / outcomes statements for the elective

On the completion of this elective students should possess, at a level commensurate with their status as trainee solicitors, a sound understanding of the:

- structure of local government and the political context in which it operates
- new forms of governance
- legal requirements for the holding of meetings, delegations and the role of Council
- roles of officers and members of a local authority
- external controls to ensure the proper conduct and functioning of local authorities
- decision making and its statutory basis, including the critical reading of reports to committees and the ability to recognise the legal implications of such reports
- requirements of a report giving legal advice to a committee and the ability to write a simple report giving legal advice
- obligation of a solicitor to the employing authority
- major functions of local authorities
- the financing of local authorities and its constraints

7.11 Syllabus

Elective: Media & Entertainment Law

7.11.1 Outline Syllabus showing content and hours

(a) Content

- (i) The course will introduce students to a range of transactions within the field of media and entertainment law, with the specific emphasis on terms within commercial contracts. As well as that, students will be introduced to the specific commercial considerations of clients who work in the entertainment industry. In the nature of the field, there are various different contexts. In any one year, not every context will be covered.
- (ii) In considering the music industry, students will be introduced to considerations about running of the affairs of musicians, with specific reference to the relationship between performer and manager, the relationship between artist and record company, and the relationship between songwriter and publishing company.
- (iii) Students will be introduced to aspects of Sport and the Law. Here emphasis will be placed on the sponsorship agreement, and merchandising and endorsement agreements. If time allows, some consideration of the implications of freedom of contract post-Bosman, particularly in soccer and rugby, may be considered.
- (iv) The students will be introduced to copyright law, particularly in published works, and considerations for taking action to prevent infringement of copyright. Consideration will be given to moral rights and rights in performances.
- (v) In terms of publishing, consideration will be given to defamation and obscenity, and look at proceedings involving newspapers in particular, and prevention of publication of potentially defamatory remarks.
- (vi) Students will also be introduced to the Advertising industry and its codes of practice, comparative advertising, advertising offences such as misleading prices, and also look at passing off.
- (vii) Students will also be introduced to the Film and Television industry and to the types of rights which are the subject of agreements, including performers' rights, Video rights and

satellite and digital TV rights. In addition, some consideration of film finance will take place.

- (viii) Students will be introduced to aspects of e-commerce, with particular reference to domain names, trade marks, dispute resolution, distance selling and the regulatory environment, electronic signatures and secure transactions.
- (ix) Students will also consider whether there is a law of privacy. This will include consideration of Data Protection issues, attempts under Human Rights legislation to forge a right of privacy, image rights, brand names and general protection of “celebrity”.

(b) Hours

4 x 1 hour LGS	=	4	hours
9 x 3¼ hours SG	=	29¼	hours
1 x directed study over Easter	=	<u>3</u>	<u>hours</u>
		<u>36¼</u>	<u>hours</u>

7.11.2 Written standards / outcome statements for the elective.

This elective is designed for students who wish to consider doing commercial work, with a strong emphasis on advising clients in the entertainment and media industry. Students will be introduced to the unique commercial considerations underlying the objectives of such clients and contextualise these commercial considerations by exposure to a wide range of different commercial contracts applicable in the media and entertainment industry.

At the end of the elective, students should be familiar with types of commercial contracts and the legal and commercial considerations underlying those transactions. It should be stressed that it is not intended as part of this elective that students be expected to undertake drafting or negotiating such contracts in practice without appropriate supervision and guidance. However, students will be expected to be able to draft, amend, and interpret provisions in a commercial contract during the elective.

At the end of the elective, students should be familiar with and able to research and find the law and self-regulatory codes which underpin many of the considerations of clients in the media and entertainment industry. Students should be capable of preparing a note or letter of advice on a range of legal considerations.

7.12 Syllabus**Elective: Private Client (Estate Planning)****7.12.1 Outline syllabus showing content and hours.****(a) Content**

- (i) Review of issues from Revenue and Probate core: general principles of IHT, IT and CGT; wills and intestacy.
- (ii) Principles of IHT, CGT and IT affecting lifetime and death provision by outright gifting or by use of trusts.
- (iii) Will and trust drafting (1). Drafting of simple wills; executors and trustees; guardians; legacies; residuary clauses; administrative provisions.
- (iv) Will and trust drafting (2) – drafting of interest in possession trusts, discretionary trusts and accumulation and maintenance trusts.
- (v) Problems of capacity of settlor/testator or beneficiary; Enduring Powers of Attorney and Living Wills.
- (vi) The elderly and residential care issues: outline of relevant welfare benefits and of community care and services provided by NHS and by local authorities; assessment of charges for residential care; gifting of property and implications for future liability to pay for long term care.
- (vii) Post death rearrangements; variations and disclaimers; elections under s142 IHTA 1984 and s62 TCGA 1992; income tax avoidance rules; drafting; Family Provision legislation.

(b) Hours

3 x 1 hour LGS	= 3 hours
9 x 3¼ hours SGS	= 29¼ hours
1 x directed study session over Easter break	= <u>3 hours</u>
	<u>35¼ hours</u>

7.12.2 Written standards / outcome statements for the elective.

On completion of this elective, students should be able to undertake drafting of simple wills and trusts and, with appropriate supervision, a more complex will.

They should have an understanding of the need for appropriate estate planning; the main methods of achieving this and the pitfalls to be avoided.

They should have acquired a basic knowledge of the relevant tax and legal background and the ability to recognise when further research or advice is required.

In particular, with reference to a given facts scenario, students should:-

- understand the potential impact of IT, IHT and CGT
- appreciate the legal implications of the client's wishes and needs
- understand the role of the solicitor and any professional conduct implications

7.13 Syllabus

Elective: Public Child Care and Housing Law and Practice

7.13.1 Outline syllabus showing content and hours

(a) Content

Public Funding

Sources of law in respect of the civil publicly funding legal services

- The introduction of the Legal Services Commission on 1/4/00
- The new framework of publicly funded legal services:
 - Legal Help
 - Mediation-related Legal Help
 - Approved Family Help
 - General Family Help
 - Help with Mediation
 - Legal Representation
 - Investigative Help
 - Emergency Legal Representation
 - Full Legal Representation

The availability of Legal Help and Legal Representation in Public Child Care and Housing Law cases:

- eligibility
- scope
- costs and the statutory' charge

Public child-care law

- ◆ The historical context of public child-care law
- ◆ *The Children Act 1989:*
 - s1 principles
 - the range of available orders
 - the concept of parental responsibility
- ◆ *The Adoption Act 1976*
 - S18 Orders declaring that the child is free for adoption
 - S16 Effect of an Adoption Order

◆ *The Impact of the Human Rights Act 1998 on Local Authorities*

- Section 6 Unlawfulness of public Authority steps which are incompatible with the convention right
- Article 3 Absolute prohibition on torture or inhumane or degrading treatment or punishment
- Article 6 Right to a fair hearing
- Article 8 Right to respect for private and family life

◆ *The Family Court Structure:*

- The Family Proceedings and Family Proceedings Courts Rules
- allocation of proceedings between courts
- the role of the children's guardian
- the role of the child's solicitor

◆ *Local Authority duties under the Children Act Part III:*

- definition of "child in need", s17
- child protection:
 - Children Act Part V
 - police powers
 - court orders
- Family Law Act 1996 amendments

◆ *Care and Supervision Orders*

- the Children Act Part IV
- s1 principles
- interim orders
- discharge of orders
- contact with children in care

◆ *The Adoption and Children Act 2002*

- The welfare principles
- The "adoption welfare checklist"
- The appointment of children's guardians
- The "range of powers" - alternative options for permanence
- Placement for adoption and adoption orders
- Parental consent
- Placement orders
- Restrictions on the removal of accommodated children
- Adoption orders
- Post adoption consent
- Other amendments to the Children Act

Housing◆ *Security of tenure:*

- forms of tenancies and licences
- Housing Act 1995 secure tenancies
- Housing Act 1996 introductory tenancies
- Housing Act 1988:
 - assured and assured shorthold tenancies
 - changes made by the Housing Act 1996
- forms of rent regulation
- defending residential possession proceedings

◆ *Illegal eviction and harassment:*

- criminal liability under the Protection from Eviction Act 1977
- civil liability in contract, tort and statute
- injunctive relief
- claims for damages

◆ *Housing disrepair:*

- private remedies against landlords at common law and by statute
- remedies available
- claims for damages
- public duties of local authorities
- making local authorities act

(b)

Hours

2 x 1 hour LGS	2.00 hours
9 x 3.25 hour SGS	29.25 hours
1 x directed study session over Easter	3.00 hours

 34.25 hours

7.13.2 Written standards/ outcome statements for the elective

The core of this elective is Public Child-Care Law and Practice and Housing Law and Practice. It also builds on the foundation already laid in the context of Civil Litigation concerning the availability of publicly funded legal services.

On completion of the elective, students should understand and be, and feel, competent to work within a private practice, a local authority or an advice centre with appropriate supervision and guidance. In particular, students should:

- understand the structure of civil legal services and be able to advise a client as to the availability of and his/ her eligibility for Legal Help and Legal Representation in the context of a Public Child Care matter

and a Housing Law matter;

- understand the basic child protection provisions of the Children Act 1989 and the Family Law Act 1996, including the family court structure and procedures, understand the role of the solicitor acting for the respective parties in public child-care cases and be able to give advice in straightforward cases concerning applications for care and supervision orders, and the provisions concerning contact with children in care, and be able to represent any of those parties in a straightforward application at court;

- understand the main features of publicly funded housing practice; be able to advise upon problems concerning security of tenure, rent regulation, illegal eviction and harassment, and disrepair; and to draft straight-forward statements of case in respect of such actions.

7.13.3 Indicative Reading

Public Child-Care Law

The Children Act in Practice (White, Carr and Lowe, Butterworths)

Housing Law

Manual of Housing Law (A. Arden, Sweet and Maxwell)

7.13.4 Assessment Method

There will be a three hour, unseen, open-book examination with 30 minutes' reading time. Advance facts may be used if considered appropriate by the course team.

The examination paper will have two sections, each worth 50% of the final mark. One section will test Housing Law and Practice. The other section will test Public Child-Care Law and Practice. Public funding issues will pervade the examination paper.

Permitted materials in the examination will be the essential texts and those handouts/ printed materials considered appropriate by the course team.

7.14 Syllabus

Elective: The Law of Charities & the Not for Profit Sector

7.14.1 Outline syllabus – content and hours

(a) Content

- (i) What is a charity? The meaning and extent of charitable objects within an overview of the classification of charities and a consideration of the characteristics of charitable bodies.
- (ii) The legal structure of charities. The options available and how the choice made affects the type of constitution developed. Drafting a constitution. Changing a constitution.
- (iii) The role of trustees, the implications of trusteeship for the organisation. Responsibilities and duties under the law and the non-executive business role. Conflicts of interest for charity trustees.
- (iv) The regulations of charities. The statutory framework and the role of the Charity Commission. Setting up a charity. Exempt charities. Review visits by the Charity Commission.
- (v) Running and funding charities. Management and administration issues within the law applicable to charities. Using the voluntary sector. Funding raising, taxation and trading.
- (vi) Charities and land ownership. The statutory constraints and Land Registry regulation. Permanent endowment and use of trust land.
- (vii) The future of charities and the ‘not-for-profit’ sector. A critical look at how the sector is likely to develop and the legal implications of this.
- (viii) The client’s perspective – case studies from practice to bring together all strands of the course.

(b) Hours

9 x 3.5 hrs small group sessions	29.25 hrs
2 x 1 hr large group sessions	2.00 hrs
1 x directed study over Easter	3.25 hrs

34.50 hours

7.14.2 Written Standards

On the completion of this elective students should possess, at a level commensurate with their status as trainee solicitors, a sound understanding of:

- The meaning, and historical development of, the concept of charity. The characteristics of charities and the changing framework.
- The differing legal structures of charities and other not-for-profit organisations. The ability to draft a simple constitution for a charity.
- The statutory framework of the charitable sector, in particular a good working knowledge of the Charity Act 1993 and other relevant legislation and regulation.
- The regulation of charities, including the roles of the Charity Commission and its structure. The ability to find and use Charity Commission guidance and advise as to its use. The ability to set up and register a charity.
- Trusts and trusteeship as they apply to charities. Also the issues for solicitors who are trustees.
- The funding of charities. In particular the complexities of funding raising and of taxation and the relationship between Inland Revenue regulations and general charity law. Use of charity assets.
- The practical implications of the wide range of charity and other regulation for those running charities. The need for and use of subsidiary trading companies.
- Land law relevant to charitable institutions. The powers of trustees; permanent endowment, its replacement and its implications; Land Registry regulation; use of charity land.
- The proposals for change and development within the sector.
- The needs and demands of the charity client.

7.15 Syllabus

Elective: Personal Injury & Clinical Negligence

7.15.1 Outline syllabus – content and hours

(a) Content

- (i) Introduction to Personal Injury and Clinical Negligence
 - Differences
 - Current climate
 - Overview
 - Medical terms
- (ii) Liability
 - Common law – negligence
 - Breach of statutory duty
 - Occupiers liability
 - Liability in clinical negligence cases
- (iii) Initial Steps
 - Interviewing
 - Funding
 - Limitation
 - Taking a proof of evidence
- (iv) Fact Gathering and Analysis
 - Overview of initial liability investigations
 - Obtaining medical records
- (v) Complaints Procedure and ADR
 - NHS complaints procedure
 - Negotiation
 - ADR – Mediation
- (vi) Pre-commencement and commencement steps
 - Pre-action protocol in clinical negligence claims
 - Disclosure
 - CRU
 - Provisional damages
 - Issuing proceedings
- (vii) Instruction of Experts and Counsel
 - How to choose your expert
 - How to draft instructions to your expert
 - Use of experts reports
 - How to choose your counsel
 - How to draft instructions to counsel

- (viii) Quantification of damages
 - Special damages
 - General damages
 - How to quantify and update your claim
 - Structured settlements
- (ix) Case Management and Trial
 - Preparation for trial
 - The trial
- (x) Coroners Court

(b) Hours

9 x 3.25 hrs small group sessions	29.25 hrs
4 x 1 hr large group sessions	4.00 hrs
1 x directed study over Easter	3.25 hrs
	36.50 hours

7.18.2 Written Standards

On the completion of this elective students, at a level commensurate with their status as trainee solicitors, should have:

- Developed their substantive and technical knowledge within civil litigation and further developed skills within personal injury and medico-legal practice and claims management.
- Demonstrated a specialist knowledge in this field and demonstrated an ability to apply that knowledge towards improving his/her individual skills and practice.
- Prepared for vocational practice as a trainee within these specialised areas of civil litigation.
- Benefited from a subject which is built on staff expertise and which offers students academic interest and vocational relevance.

8 Teaching Schemes

This section contains the teaching schemes for the Core, Compulsory and Elective Areas and is arranged as follows:

8.1 The Core Areas

- 8.1.1 Legal skills: Advocacy
- 8.1.2 Legal skills: Interviewing
- 8.1.3 Legal skills: Writing & Drafting
- 8.1.4 Legal skills: Practical Legal Research
- 8.1.5 Pervasive: Professional Conduct
- 8.1.6 Pervasive: Financial Services
- 8.1.7 Human Rights
- 8.1.8 Client Care and Risk Assessment
- 8.1.9 Accounts (General Introduction)
- 8.1.10 Solicitors' Accounts (Accounts 'A')
- 8.1.11 Business Accounts (Accounts 'B')
- 8.1.12 Pervasive: European Law
- 8.1.13 Pervasive: Revenue Law
- 8.1.14 Probate & Administration of Estates

8.2 Compulsory Areas

- 8.2.1 Business Law & Practice
- 8.2.2 Civil Litigation
- 8.2.3 Criminal Litigation
- 8.2.4 Advocacy
- 8.2.5 Evidence
- 8.2.6 Property Law & Practice

Teaching schemes 8.2.2 to 8.2.5 inclusive form the compulsory area of Litigation & Advocacy

8.3 Electives Areas

- 8.3.1 Acquisitions and Mergers
- 8.3.2 Corporate Finance Law
- 8.3.3 Banking and Capital Markets
- 8.3.4 Commercial Law
- 8.3.5 Commercial Litigation & Dispute Resolution
- 8.3.6 Commercial Property
- 8.3.7 Media and Entertainment Law
- 8.3.8 Employment Law
- 8.3.9 Family Breakdown
- 8.3.10 Public Child Care and Housing Law & Practice
- 8.3.11 Advanced Criminal Litigation
- 8.3.12 Private Client (Estate Planning)
- 8.3.13 Local Government Law
- 8.3.14 Charities & the Not-For-Profit Sector
- 8.3.15 Personal Injury & Clinical Negligence

8.1 The Core Areas

8.1.1 Teaching Scheme

Core Foundation Skills: Advocacy

(a) **Small Group Session (1 x 3¼ hours)**

- (i) In this workshop, students are introduced to presentational skills.
- (ii) By the end of the workshops, students should be able to explain the elements of effective communication through verbal and non-verbal means; organise a set of facts logically, accurately and concisely; establish a suitable rapport with a tribunal; and present a set of facts clearly, audibly and at an appropriate pace, using language appropriate to the setting.
- (iii) In preparation for the workshop, students are required to undertake preliminary reading and to consider the effectiveness of presentations that they have made or seen.
- (iv) At the workshop, the tutor opens a discussion with students about the “do’s and don’ts” of presentational skills by drawing upon the students’ own experiences. The students are then asked to rewrite a summary of facts in order to place them in a more logical and effective sequence. Each student is asked to present his/her summary orally as a prosecutor would following a guilty plea in the magistrates’ court. Individual feedback is given upon each performance by the tutor and the performances are video-taped so that students can review their work. At the end of the workshop the group will discuss the Advocacy Skills Assessment Criteria.

Note: The students will have further opportunities to practice Advocacy in the compulsory and elective courses.

8.1.2 Teaching Scheme

Core Foundation Skills: Interviewing and Advising

(a) Small Group Session (1 x 3¼ hours)

The subject of this workshop is effective interviewing. At the workshop, the student will:

- (i) Identify common impediments to listening and rapport building.
- (ii) Explain the difference between open questions and narrow / closed questions.
- (iii) List the common stages of a legal interview.
- (iv) Elicit the client's goals and instructions.

In preparation for this workshop, students undertake preliminary reading, answer a series of self-test questions, watch a pre-recorded video entitled "Client Communications", answer further questions and prepare a role playing interview.

At the workshop, the preparatory work will be discussed. The students take it in turns to role-play as the Solicitor, Client and Observer in a series of three interviewing role-plays. Solicitors receive peer feedback on their performances and each interview is discussed by the workshop group as a whole. Finally the group considers the Interviewing and Advising Assessment Criteria.

Note: The students will have further opportunities to practice Interviewing and Advising in the compulsory and elective courses.

8.1.3 Teaching Scheme

Core Foundation Skills: Legal Writing

(a) Small Group Session (1 x 3¼ hours)

The subject of this workshop is effective letter writing in professional practice. At the workshop the student will:

- (i) Identify the characteristics of good writing.
- (ii) Consider and apply the techniques of effective letter writing in the context of communications with clients and other professionals.
- (iii) Consider the assessment criteria for legal writing.

In preparation for the workshop students undertake preliminary reading, answer a set of reflective questions about writing, redraft a series of sentences and paragraphs, and revise the basic principles of law in relation to contractual damages.

At the workshop students will receive feedback on their preparatory work and undertake a series of exercises in which they analyse and redraft a solicitor's letter to a client, consider a letter from a client and draft a reply to it. The workshop group as a whole also discusses the Legal Writing Assessment Criteria.

Note: The students will have further opportunities to practice Legal Writing in the compulsory and elective courses.

Teaching Scheme

Core Foundation Skills: Drafting

(a) Small Group Session (1 x 3¼ hours)

In this workshop students will practice the principal skills associated with legal drafting:

By the end of this workshop students will be able to;

- (i) explain a number of common drafting terms;
- (ii) draft a straight-forward document using a precedent
- (iii) select and distinguish between precedents
- (iv) redraft a statutory provision in a clear manner
- (v) critique the drafting of an agreement

In preparation for the workshop students are required to undertake preliminary reading and answer a series of questions concerning drafting terminology.

At the workshop students receive feedback on their preparatory work. In small groups they draft a Change of Name Deed, with the aid of a precedent; critically compare two Will precedents; amend and redraft s36(1) Trustee Act 1925; and critique the drafting of a Tenancy Agreement. The group as a whole will discuss the Drafting Skills Assessment Criteria.

Note: The students will have further opportunities to practice Drafting in the compulsory and elective courses.

8.1.4 Teaching Scheme

Core Foundation Skills: Practical Legal Research

(a) **Large Group Sessions**

- (i) 2 x 1 hour: A lecture introducing Practical Legal Research, the sources of law, the requirement for factual analysis.

A session involving the introduction to methods of fact analysis, keyword generation and research strategisation and use of IT in research.

(b) **Library Sessions**

- (i) 2 x 3 hours: Two three hours sessions introducing students to library based practical research tools and techniques (both paper and electronic) including Halsbury's Laws, Lexis, Westlaw, updaters and citators, by means of demonstration, lecture and self directed tasks of research.

(c) **Small Group Sessions**

- (i) 1 x 3 hours: A three hour session involving tasks of fact analysis and on the evolution of a strategy for research. Students are also asked to prepare the research strategy for a past problem to be researched between sessions.
- (ii) 1 x 3 hours: A three hour session during which students will be required to present their answers to the research task given to them prior to the workshop, commenting on their preliminary strategy, the conduct of the research and the memorandum of that research.

8.1.5 Teaching Scheme

Core Area: Professional Conduct

(a) Large Group Session (1 x 1 hour)

- (i) 1 x 1 hour: The students receive a single introductory lecture grounding them in the nature, purposes of and reasons for the rules governing the solicitors' profession together with a brief analysis of key principles.

(b) Small Group Session (1 x 3¼ hours)

- (i) 1 x 3¼ hours: The students receive a single workshop concentrating upon the professional conduct of solicitors in a practical problem-solving context, giving a perspective of Professional Conduct issues as they might arise and be dealt with in practice.

In preparation for the workshop students are given directed reading and they have to provide written answers to problem questions. Time is set aside in this session to review their preparatory work.

The workshop then continues with in-depth consideration of the major principles of Conduct arising in professional practice, set in a variety of client matter contexts. The students, working individually, in pairs or in small groups, have to deploy problem solving skills to discover and then to solve Professional Conduct issues arising from dealings with clients, solicitors and other third parties.

At the end of this session the students are set directed reading and self-test questions leading directly into further coverage of Professional Conduct in the compulsory subjects.

NOTES:

- These sessions are timetabled in the initial weeks of the course (Full-Time and Part-Time modes).
- Professional Conduct is also taught throughout the compulsory and elective subjects by way of integration in workshops, using The Law Society Guide to the Professional Conduct of Solicitors ("the Guide") in particular.
- The students use primary sources throughout, in particular "the Guide" and are encouraged to update their reading using the Law Society's website.

8.1.6 Teaching Scheme

Core Area: Financial Services Law

(a) **Large Group Session (1 x 1 hour)**

- (i) 1 x 1 hour: A lecture introducing the scheme of the Financial Services and Markets Act 2000, the Regulated Activities Order and the concepts therein and summarising the requirements under the Scope Rules and Conduct of Business Rules and the Money Laundering Regulations.

(b) **Small Group Session (1 x 3¼ hour)**

- (i) 1 x 3¼ hours: Tasks involving considering the need for authorisation, considering exclusions to investment business, and considering acting within the scope of an exempt professional firm and tasks on money laundering procedures.

8.1.7 Teaching Scheme

Core Area: Human Rights

(a) Large Group Session (1 x 1 hour)

The students receive a single introductory lecture introducing them to the Human Rights Act 1998 and the European Convention on Human Rights.

The following matters are covered:

- The general framework of the Act
- The nature of Convention Rights
- Resources
- Convention Rights, with particular reference to Articles 3, 5, 6, 7, 8 and 10
- Interpretation of European Court of Human Rights case-law
- Principles developed by the European Court of Human Rights
- The Human Rights Act, including the obligation to observe the Convention, interpretation and enforcement of Convention Rights

NOTE:

Issues relating to Human Rights are raised and discussed where relevant throughout the compulsory and elective subjects (especially in Criminal Litigation and Advanced Criminal Litigation) by way of integration in workshops. The lecture is designed to provide a foundation to this integrated teaching.

8.1.8 Teaching Scheme

Core Area: Client Care and Risk Assessment

(a) Large Group Session (1 x 2 hours)

- (i) 1 x 2 hours: The students receive a two-hour introductory lecture which builds upon the introduction they have already received in relation to Practice Rule 15. In part one of the session, Practice Rule 15 is placed in its historical and professional context and the students are given examples of real complaints made by clients. The students are then shown a video lasting 19 minutes entitled “Improving Client Relations” made by the Law Society of Scotland in 1999. In part two of the session, the students are first of all introduced to the work of the Office for the Supervision of Solicitors and given practical advice on how to distinguish between a claim and a complaint and how to deal with a complaint. Finally, the students are introduced to the meaning, importance and practicalities of Risk Assessment.

NOTES:

- This session is timetabled in the initial weeks of the course for the Full Time and Part Time Students.
- The Part Time Students receive a one-hour face-to-face lecture which mirrors part one of the session that is taught to the Full Time Students. The Part Time Students are provided with detailed handouts in place of part two of the session.
- Many of the issues explored in this introductory session will be encountered again in compulsory and elective workshops.

8.1.9 Teaching Scheme

Core Area: Accounts

(a) Session 1: 1 x 2 hours LGS

This session provides a course overview and introduction to Accounts. It deals with the reasons for keeping accounts and the two aspects of every transaction to be recorded in double entry book-keeping. Students are also given a brief introduction to final accounts.

(b) Session 2: 1 x 3¼ hours SGS – Basic Accounts

This session concentrates upon the basics of double entry book-keeping, and the preparation of a trial balance, and a set of financial accounts. The students undertake tasks that give them an understanding of the basic processes involved in recording entries in double entry accounts and how these are used to prepare trial balances and final accounts.

8.1.10 Teaching Scheme

Core Area: Accounts “A” Course

(a) Full Time Course

(i) Session 1: 1 x 1 hours LGS

Introduction to Solicitors’ Accounts and the Solicitors’ Accounts Rules (SAR) – objectives; definitions; client money; payment into and withdrawal from client account; records and other requirements.

(ii) Session 2: 1 x 1½ hours SGS – Solicitors’ Accounts I (Part A)

Students work an example and gain understanding of the basic requirements of the SAR and of the processes involved in recording entries in solicitors’ accounts in compliance with those rules.

(iii) Session 3: 1 x 1 hours LGS

Solicitors’ Accounts and the SAR (Miscellaneous Matters) – introduction to VAT (tax invoices; treatment of disbursements under agency and principal methods); abatements and bad debts; commission; interest payable; trust monies; financial statements.

(iv) Session 4: 1 x 1½ hours SGS – Solicitors’ Accounts I (Part B)

Students work a further example to reinforce their understanding of the basic requirements of the SAR and of the processes involved in recording entries in solicitors’ accounts in compliance with those rules.

(v) Session 5: 1 x 1½ hours SGS – Solicitors’ Accounts II (Part A)

Students answer queries relating to issues raised in Sessions 1 and 3 in order to gain further understanding of the basic requirements of the SAR and of the processes involved in recording entries in solicitors’ accounts in compliance with those rules.

(vi) Session 6: 1 x 1½ hours SGS – Solicitors’ Accounts II (Part B)

Students work a further example to reinforce their understanding of the basic requirements of the SAR and of the processes involved in recording entries in solicitors’ accounts in compliance with those rules.

(vii) Session 7: 1 x 1½ hours SGS – Solicitors’ Accounts III (Part A)

Students prepare financial statements for submission to clients.

(viii) Session 8: 1 x 1½ hours SGS – Solicitors’ Accounts III (Part B)

Students work a further example to reinforce their understanding of the requirements of the SAR and of the processes involved in recording entries in solicitors’ accounts in compliance with those rules.

Note: At the end of Sessions 4 and 6 students are given Supplementary Exercises to complete prior to the next Session. After Session 8 they are given a revision exercise to complete prior to the Assessment in Solicitors’ Accounts.

(b) Part Time Course

(i) Session 1: 1 x 3¼ hours SGS – Solicitors’ Accounts I

Students work examples and gain understanding of the basic requirements of the SAR and of the processes involved in recording entries in solicitors’ accounts in compliance with those rules.

(ii) Session 2: 1 x 3¼ hours SGS – Solicitors’ Accounts II

Students answer queries and work examples in order to gain further understanding of the basic requirements of the SAR and of the processes involved in recording entries in solicitors’ accounts in compliance with those rules.

(iii) Session 3: 1 x 3¼ hours SGS – Solicitors’ Accounts III

Students prepare financial statements for submission to clients and work a further example to reinforce their understanding of the requirements of the SAR and of the processes involved in recording entries in solicitors’ accounts in compliance with those rules.

Note: At the end of Sessions 1 and 2 students are given Supplementary Exercises to complete prior to the next Session. After Session 3 they are given a revision exercise to complete prior to the Assessment in Solicitors’ Accounts.

8.1.11 Teaching Scheme**Core Area: Business Accounts (Accounts “B” Course)****(a) Session 1: 1 x 1 hour LGS**

Introduction to Business Accounts (including the purposes for keeping business accounts, the need for solicitors to understand business accounts and an introduction to double-entry book-keeping principles, trial balances, year-end adjustments and final accounts in the business context).

(b) Session 2: 1 x 3¼ hours SGS

In advance of the workshop, students will be required to make the necessary entries in the ledger accounts of a sole trader (running a retail store selling building materials and general hardware) to record various transactions. At the workshop, students will, firstly, be required to prepare a Trial Balance following the recording of the transactions and, secondly, to prepare a Trading Account, Profit & Loss Account and Balance Sheet for the business.

(c) Session 3: 1 x 1 hours LGS

Business Accounts of Sole Traders and Partnerships (including financial reporting standards; loan accounts; capital accounts; current accounts and drawings accounts; and trading accounts, profit and loss accounts, appropriation accounts (including on the change in a partnership) and balance sheets).

(d) Session 4: 1 x 1 hour LGS

Company Accounts (including the statutory duties of companies and directors to keep accounting records and produce final accounts; accounting reference periods; individual accounts and consolidated accounts; accounting standards and the auditing of accounts; and the publication of accounts). Formulation of the final accounts of companies (including treatment of taxation, dividends and retained profits).

(e) Session 5: 1 x 3¼ hours SGS

Students will be required to prepare simple Trading Accounts, Profit and Loss Account and Balance Sheet for a sole trader supplying bicycles (including considering relevant year-end adjustments).

(f) Session 6: 1 x 3¼ hours SGS

Students will be required to construct the final accounts of a farming partnership (including relevant entries in the Drawings, Current and Capital accounts of the partners and preparing a split Appropriation Account to record the departure of a partner during the accounting period).

(g) Session 7: 1 x 1 hour LGS

Interpretation of Business Accounts (including the reasons for solicitors considering the interpretation of accounts: methods of interpreting accounts; risks in placing reliance on performance indicators; liquidity and profitability indicators; and investment ratios).

(h) Session 8: 1 x 3¼ hours SGS

Students will be required to consider the accounts of a private company and make comparisons in the performance of the company between two accounting periods (including calculating simple comparative liquidity and profitability information) in order to start to appreciate the commercial importance of the interpretation of business accounts.

8.1.12 Teaching Scheme**Core Area: European Law****(a) Optional Self Study Workshop Task (of 3¼ hours duration)**

Optional: For students who wish to revise EU principles and for those who still require an introduction to European law. An answer guide is available for those who complete the workshop task.

The workshop has been placed on the Learning Resource Web at UWE so that students can access this and undertake this workshop at their own pace.

Note: The workshop refers to the European Convention on Human Rights – defining its relationship with EU law.

(b) Self Test Questions

For all students: Pre-reading to be sent to students in form of Manual – self test questions for students to complete.

8.1.13 Teaching Scheme

Core Area: Revenue Law

(a) Introductory Sessions – September

(i) Large Group Sessions

- 1 x 1 hour: *Introduction to Income Tax*

Basic principles of chargeability; income and capital; the Schedules; statutory, total and taxable income; charges on income and personal reliefs; tax credits; dates for payment; computation.

- 1 x 1 hour: *Introduction to Capital Gains Tax*

Scope of the charge; computation of gains; losses; death; exemptions and reliefs.

(ii) Small Group Session

- 1 x 3¼ hours: *Income Tax and Capital Gains Tax*

Income Tax and Capital Gains Tax computations.

(b) Introductory Sessions (December/January)

(i) Large Group Sessions

- 1 x 2 hours: *Introduction to Inheritance Tax*

Lifetime dispositions (chargeable transfers; value transferred; potentially exempt transfers (PETs); transfers chargeable *ab initio*)

Transfer on death (charge to tax and affect of death on lifetime chargeable transfers, including former PETs; gifts with reservation of benefit)

Exemptions and Reliefs

Liability and Burden

Instalment Option

Cumulation and computation of tax

- 1 x 1 hour: *Introduction to the Taxation of Trusts and Settlements*

Inheritance Tax (Definition of settlement; creation of settlement; settlements with a beneficial interest in possession; settlements without an interest in possession; accumulation and maintenance settlements)

Capital Gains Tax (Definition of settled property; creation of a settlement; subsequent liability of trustees; beneficiaries)

Income Tax (Liability of trustees; beneficiaries with a right to trust income; beneficiaries with no right to trust income)

(ii) Small Group Session

- 1 x 3¼ hours: *Inheritance Tax*

Inheritance Tax computations

8.1.14 Teaching Scheme

Core Area: Probate and Administration of Estates

(a) Sessions 1 & 2: 2 x 1 hour LGS

Course overview and introduction. Wills, intestacy and family provision. Probate and administering estates.

(b) Session 3: 1 x 3¼ hours SGS

Wills, intestacy, alternative methods of disposing of property on death, and entitlement to grants of representation.

(c) Session 4: 1 x 3¼ hours SGS

Grants of representation: Inland Revenue requirements; simple IHT calculation; winding up the estate.

(d) Session 5: 1 x 3¼ hours SGS

Review of interviewing techniques; introduction to interviewing and advising in probate context by means of 3 role play interviews.

(e) Session 6: 1 x 3¼ hours SGS

Videotaped role play interviews as practice for summative assessment in skill of interviewing immediately followed by oral feedback from tutor.

8.2 Compulsory Areas

8.2.1 Teaching Scheme

Compulsory Area: Business Law And Practice

(a) Large Group Sessions (18 x 1 hour and 3 x 2 hours)

Introductory Matters and Sole Traders

- (i) 1 x 1 hour: Choice of Business Entities
Covers workshop 1
- (ii) 1 x 1 hour: Sole Traders and introduction to bankruptcy
Covers workshop 2
- (iii) 1 x 1 hour: Sole Trader tax issues and planning (1)
Covers workshop 3
- (iv) 1 x 1 hour: Sole Trader tax issues and planning (2)
Covers workshop 3

Partnerships

- (v) 1 x 1 hour: Partnership - the Partnership Act and agreements:
Relations between partners
Covers workshop 4
- (vi) 1 x 1 hour: Partnership - relations between partnership and third
parties
Covers workshop 5

Students are given a separate detailed handout on:
(1) Retirement from and Dissolution of Partnerships;
and
(2) Partnership Tax – tax issues and planning for
partnerships
Covers workshop 6

- (vii) 1 x 1 hour: Review of the course to date (and review of self study
review (1))
Covers lectures and workshops 1-6 (and Self-Study
Review (1))

Companies

- (viii) 1 x 1 hour: Companies - incorporation, table A, introduction to
PLCs
Covers workshops 7 and 8
- (ix) 1 x 1 hour: Financial Services in the business context.

- (x) 1 x 1 hour: pre- Company Finance (1) (equity; shares) - issue, transfer, emption rights etc.
Covers workshop 9
- (xi) 1 x 1 hour: Drafting of Board minutes and overview of EGM documentation
Covers workshops 10 and 11
- (xii) 1 x 1 hour: Shareholders – rights and duties, s.459 and 461 CA 85
Covers workshops 9 and 14
- (xiii) 1 x 1 hour: Company Tax (1)
Covers workshop 12
- (xiv) 1 x 1 hour: Company Tax (2) – directors’ emoluments package; basic tax planning.
Covers workshop 13
- (xv) 1 x 1 hour: Directors – appointment, role and duties.
Covers workshops 13 and 14
- (xvi) 1 x 1 hour: Directors – removal under s.303 CA 85
Covers workshops 13 and 14
- (xvii) 1 x 1 hour: EC law - Articles 81 and 82; distribution agreements; UK competition law; transfer of undertakings implications
Covers workshop 15
- (xviii) 1 x 2 hours: Company Finance (2) (debt) and Share Buy backs and Financial assistance
Covers workshops 16 & 17
- (xix) 1 x 2 hours: Corporate insolvency
Covers workshop 18
- (xx) 1 x 1 hour: Basic Employment Law (particularly “dismissal” and TUPE Regs 1981)
Covers workshop 19 (in part)
- (xxi) 1 x 2 hours: General Review and Review of Self Study Review (2)

Covers lectures 8 – 20 and workshops 7-19 (and Self-Study Review (2))

(b) Small Group Sessions (21 x 3¼ hours each including 3 self-study exercises)

Introductory Matters and Sole Traders

- (i) 1 x 3¼ hours: Choice of Business Entities
- (ii) 1 x 3¼ hours: Sole traders and introduction to bankruptcy
- (iii) 1 x 3¼ hours: Sole Trader tax issues (Sch. Di and Dii)

Partnerships

- (iv) 1 x 3¼ hours: Partnership - the Partnership Act and drafting agreements
- (v) 1 x 3¼ hours: Partnership disputes and negotiation
- (vi) 1 x 3¼ hours: Partnership tax issues and planning for partnerships
- 1 x 3 hours: Self Study Review (1): review of the course to date*

* this is a 'take-away' self-study exercise done by students in their own time. They will be given notes on matters arising and time will be set aside in lecture 7 to deal with students' questions.

Companies

- (vii) 1 x 3¼ hours: Companies - incorporation, table A etc
- (viii) 1 x 3¼ hours: Case study - practice incorporation exercise
- (ix) 1 x 3¼ hours: Shares - issue, transfer, pre-emption rights etc
- (x) 1 x 3¼ hours: Directors' Meetings (Board Minutes, etc)
- (xi) 1 x 3¼ hours: Members' Meetings (Notices, Resolutions, etc)
- (xii) 1 x 3¼ hours: Company Tax
- (xiii) 1 x 3¼ hours: Directors - appointment, duties, and service agreement
- (xiv) 1 x 3¼ hours: Directors - removal under s.303 CA 85 and minority shareholders' rights & remedies
- (xv) 1 x 3¼ hours: EC law - Articles 81 and 82; distribution agreements
- (xvi) 1 x 3¼ hours: Company Finance (1) – debt v equity

- (xvii) 1 x 3¼ hours: Company Share (2) – Share Buy backs and Financial assistance
- (xviii) 1 x 3¼ hours: Corporate insolvency
- 1 x 3¼ hours: Choice of Business Medium (decision whether to transfer a partnership business to a new company)*
- 1 x 3¼ hours: Self Study Review (2): review of the course since lecture 8 and workshop 7*

* These are ‘take-away’ self-study exercises done by Students on their own time. They will be given detailed notes on matters arising (and time will be set aside in Lecture 21 to deal with students’ questions)

(c) Large Group Clinic Sessions (5 x 2 hours, 1 x 1 hour)

- (i) 1 x 2 hours: Sole Traders and bankruptcy
- (ii) 1 x 2 hours: Overview of Company law
- (iii) 1 x 2 hours: Conducting company business - drafting
- (iv) 1 x 1 hour: Review of Practice Assessment
- (v) 1 x 2 hours: EC law
- (vi) 1 x 2 hours: Capital Taxes
- (vii) 1 x 2 hours: Companies and Tax: taking money out of a company (directors’ remuneration, loan interest, dividends)

8.2.2 Teaching Scheme

Compulsory Area: Litigation and Advocacy - Civil Litigation

(a) Large Group Sessions (10 x 1 hour each)

- | | | |
|--------|------------|---|
| (i) | 1 x 1 hour | The use of fact analysis in civil litigation and in civil advocacy. |
| (ii) | 1 x 1 hour | Outline of the law of evidence. |
| (iii) | 1 x 1 hour | Funding: The solicitor-client relationship including introduction to risk assessment (the cost/benefit analysis), the client's objectives and the public funding schemes. |
| (vi) | 1 x 1 hour | Introduction to costs: The client and his opponent. |
| (v) | 1 x 1 hour | Introduction to the civil litigation system, including basic CPR research problems. |
| (vi) | 1 x 1 hour | Drafting statements of case: introduction to the main rules and analysis of sample particulars of claim and defence. |
| (vii) | 1 x 1 hour | Part 20 claims (Part Time viii) |
| (viii) | 1 x 1 hour | Case management – strike out and summary judgment (Part Time vii) |
| (ix) | 1 x 1 hour | Part 36 offers and payments into court |
| (x) | 1 x 1 hour | Revision and examination technique (Part Time) |
| (x) | 1 x 1 hour | Feedback on practice assessment (Full Time) |

(b) Small Group Sessions (10 X 3¼ hours each)

- | | | |
|------|--------------|---|
| (i) | 1 x 3¼ hours | Pre action considerations:- taking instructions, including role play interview: costs, including conditional fee agreements, Practice Rule 15 and risk assessment: evidential considerations: forming an action plan - Case study I |
| (ii) | 1 x 3¼ hours | Pre action considerations:- research on general |

- damages: calculating special damages: risk assessment: gathering evidence, including consideration of pre action protocols: - Case study I
- (iii) 1 x 3¼ hours
Issue of proceedings and statements of case: drafting claim form and particulars of claim, using the fact analysis technique: analysis of defence and counterclaim: payments into court: research from the CPR - Case study I
- (iv) 1 x 3¼ hours
Default judgment and drafting defence/counterclaim: analysing defence case on its merits and in support of application to set aside: practice in the fact analysis technique: drafting witness statement: video demonstration of interim application - Case study II
- (v) 1 x 3¼ hours
(Part Time vi)
Obtaining further information, allocation, directions and sanctions. Amendment of witness proof of evidence to produce witness statement for use at trial: Case study I. Part 20 claims against non parties.
- (vi) 1 x 3¼ hours
(Part Time vii)
Disclosure and inspection of documents, including drafting a list of documents and consideration of issues of privilege: the need for expert evidence and the procedural rules governing its use: consideration of other directions and the need for a CMC: Case study II
- (vii) 1 x 3¼ hours
(Part Time viii)
Research into Part 36 offers and payments into court and into interim payments: case analysis and workshop exercises to advise on these issues: completion of listing questionnaire and consideration of procedural and practical steps in preparation for trial: consideration of a detailed judgment in case study 1 including reasoned judgment on costs issues following the Part 36 offers and payments into court made during the course of the case: homework task on financial services in the context of damages recovered at trial.

(viii) 1 x 3¼ hours
(Part Time ix)

Drafting orders: instructing Counsel: case analysis - preparing to negotiate a settlement: concluding litigation by consent: drafting orders (a) for directions; (b) for settlement - Case study II

(ix) 1 x 3¼ hours
(Part Time v)

Summary judgment (workshop undertaken by Full Time over a two week period): Advocacy practice by means of videoed role play opposed application - Case study III – Homework: research on CJJA.

(x) 1 x 3¼ hours
(Part Time x)

Review of costs issues: Legal research on small claims track case: consideration of enforcement problems: Handout of revision charts (Whole course to Full Time, Procedure since workshop v to Part Time): Look forward to practice assessment and revision for subject assessment.

(c) Clinic session (1 x 3 hours)

(i) 1 x 3 hours

Clinic session to consolidate earlier learning in large and small group sessions on drafting statements of case and to prepare students for their forthcoming controlled-conditions drafting assessment. Preparation by way of case analysis using 5 level fact analysis technique: review of the main rules for drafting particulars of claim and defence: practice in drafting both under timed conditions: feedback on practice drafts.

8.2.3 Teaching Scheme

Compulsory Area: Criminal Litigation

(a) Large Group Sessions (6 x 1 hour each)

- (i) 1 x 1 hour: Introduction and overview of the criminal process.
- (ii) 1 x 1 hour: Professional ethics and roles, and an overview of the investigative stage of the criminal process solicitor.
- (iii) 1 x 1 hour: An overview of the pre-trial processes.
- (iv) 1 x 1 hour: An overview of the trial process, sentencing and Appeals.
- (v) 1 x 1 hour: *Bail: an overview of law and practice; making an application for a remand in custody/bail*
- (vi) 1 x 1 hour: *Sentencing: an overview of law and practice; making a plea in mitigation*

(b) Small Group Sessions (6 x 3¼ hours each)

- (i) 1 x 3¼ hours: Advising at the Police Station – 1. Role play of initial interview with client. Case study analysing clients instructions.
- (ii) 1 x 3¼ hours: Advising at the Police Station – 2. Case study, advising on ‘silence’ and on procedure. Role play application for police bail. Case study, applying for legal aid.
- (iii) 1 x 3¼ hours: Advocacy exercise: making an application for a remand in custody/bail (each group to be split in two, with 1 ½ hours advocacy/feedback each)
- (iv) 1 x 3¼ hours: Mode of trial and disclosure. Case study concerning mode of trial. Case study concerning prosecution and defence disclosure.

- (v) 1 x 3¼ hours: Preparation for summary trial. Case study advising client regarding various matters including certain ethical aspects and pre-trial issues including disclosure. Case study involving advance preparation for a not guilty trial. Case study preparing a not guilty plea, including consideration of the evidence and strengths and weaknesses of a case, preparing for cross-examination of witnesses of other parties.
- (vi) 1 x 3¼ hours: Advocacy exercise: presenting a plea in mitigation. (each group to be split in two, with 1 ½ hours advocacy/feedback each)

N.B. The LGS sessions in italics ((v) and (vi)) are planned for 2003-2004, with workshops 3 and 6 being amended to allow more advocacy/feedback time.

8.2.4 Teaching Scheme

Compulsory Area: Advocacy

Advocacy teaching begins with a Skills workshop which is detailed in the teaching scheme for legal skills (3 hours).

The teaching of advocacy continues throughout the course, but within the context of either Criminal or Civil Litigation. The litigation teaching scheme details the development of the advocacy teaching. However, since open-learning students take criminal litigation before civil litigation (the reverse of the programme for those on the full time LPC) open learning students undertake one advocacy workshop, the content of which is set out below.

(a) Workshop Session (1 x 3 hours)

In preparation for the workshop, students will read the relevant chapters from Blackstone's Lawyers' Skills manual and read additional notes on advocacy which are supplied. The workshop commences with a discussion of the reading and the LPC written standards for advocacy. The workshop group to prepare an application for or opposition to a request for an adjournment, and then role-play that application. Students also work on a case study, preparing an opening speech for the prosecution.

8.2.5 Teaching Scheme

Compulsory Area: Evidence

Evidence is not treated as a separate subject on the Legal Practice Course, and is largely taught and assessed with Civil and Criminal Litigation. By way of introduction to the subject, however, a separate Evidence programme is presented. This programme deals with Evidence in criminal cases only. Evidence in civil cases is taught entirely within the context of Civil Litigation.

The initial Evidence teaching consists of 1 x 3 hour workshops and 5 x 1 hour large group/clinic sessions towards the beginning of the course. Given the breadth of the subject and the limited time available for direct teaching, students will be expected to supplement both the LGS and SGS with directed reading.

The teaching of Evidence continues throughout the course, but within the context of either Criminal or Civil Litigation. Each workshop in the Litigation programme inevitably contains some evidential element, and those elements will be dealt with as they arise.

Evidence is not separately assessed, but is assessed within the context of the Criminal and Civil Litigation assessments, both coursework and examination.

(a) Large Group Sessions (5 x 1 hour each)

The LGS's aim to introduce the students to the most common evidential issues which they are likely to encounter in their early years in practice. They are supported by a series of specific, direct, self-test questions, designed to help the students understand the rules and apply them.

- | | | |
|-------|-------------|--|
| (i) | 1 x 1 hour: | Introduction
Burdens and standard of proof
Forms of evidence |
| (ii) | 1 x 1 hour: | Corroboration and identification
Admissibility
Opinion evidence |
| (iii) | 1 x 1 hour: | Character
Privilege |
| (iv) | 1 x 1 hour: | Hearsay
Confessions |
| (v) | 1 x 1 hour: | Confessions continued
Effect of s34 – 37 CJPOA 1994
Admissibility of statements under s23
and s24 CJA 1988. |

(b) Workshop (1 x 3 hours)

(i) 1 x 3 hours:

In advance of this three hour session, students are presented with a complex criminal case. The purpose is to apply the evidential principles derived from the large group sessions in a practical setting. The students are asked to analyse the case study and apply the rules of evidence by way of preparation. The workshop then consists of feedback, discussion and explanation.

8.2.6 Teaching Scheme

Compulsory Area: Property Law and Practice

(a) Large Group Sessions (13 x 1 hour each)

- (i) **First Introductory Lecture (Lecture 1):** explanation of course objectives, purpose of large group/small group sessions etc; introduction to two systems of conveyancing and comparison of basic principles of unregistered and registered conveyancing.
- (ii) **Second Introductory Lecture (Lecture 2):** examination and explanation of the system of registered conveyancing and its implementation throughout England and Wales; e-conveyancing and proposals for further change.
- (iii) **Third Introductory Lecture (Lecture 3):** outline and overview of a simple conveyancing transaction; consideration of legal skills required of the property solicitor.
- (iv) **Final Introductory Lecture (Lecture 4):** the initial client interview; issues of common application to both sellers and buyers: conflicts of interests, costs and disbursements, synchronisation and contingencies, use of checklists and attendance notes; introduction to National Conveyancing Protocol; consideration of seller only issues e.g. obtaining title documents on loan from lenders.
- (v) **Pre-Workshop 1 (Lecture 5):** the initial client interview (continued); consideration of buyer only issues: co-ownership options and advising joint buyers; mortgages and purchase finance; implications of and compliance with FSA 1986/FSMA2000; surveys and valuations; insurances required by the buyer.
- (vi) **Pre-Workshop 2 (Lecture 6):** acting for both seller and buyer; contract races; drafting the sale contract; consideration of the Standard Conditions of Sale Contract format; perusing, approving and amending the draft contract.
- (vii) **Pre-Workshop 3 (Lecture 7):** searches and enquiries and consideration of results; planning, building regulations and other third party consents relevant to the conveyancing process; deduction of title; epitomes and abstracts of title.
- (viii) **Pre-Workshop 5 (Lecture 8):** examination of commonly encountered problems in relation to investigation of unregistered title; special and general requisitions on title; preparation for and effecting exchange of contracts with particular reference to Law Society Formulae A and B; mortgage offers and reporting on title to lenders with particular reference to CML Lenders' handbook; drafting the purchase deed with particular reference to Land Registry Form TR1.

- (ix) **Pre-Workshop 6 (Lecture 9):** pre-completion searches; preparation for and effecting completion of sale and purchase with particular reference to Law Society's Code for Completion by Post; post-completion matters including redemption of mortgages and stamping and registration of title; examination of variations to usual conveyancing procedures involved in buying a new residential property.
 - (x) **Pre-Workshop 7 and 8 (Lectures 10 & 11):** examination of variations to usual conveyancing procedures involved in buying a flat; introduction to commercial conveyancing and short/medium term commercial leaseholds; drafting and amending commercial sale contract (of whole) with particular reference to the Standard Commercial Property Conditions; value added tax.
 - (xi) **Pre-Workshop 8 and 9 (Lectures 12 & 13):** examination of issues relative to the initial grant of a commercial lease with particular reference to drafting considerations and difficulties; consideration of searches and enquiries in commercial transactions; planning and change of use; deeds of variation; licences to assign; assignment of leases both registered and unregistered; consideration of the Law Society's Business Lease; examination of the security of tenure provisions of Part II Landlord and Tenant Act 1954; rent reviews and break clauses; sales of part: drafting and consideration of the sale contract and purchase deed (with particular reference to Land Registry Form TP1) in relation to a commercial freehold sale.
- (b) **Small Group Sessions (10 x 3 hours each)**
- (i) **Residential Sale & Purchase 1**

Pre-workshop preparation: Background reading, preparation of attendance note of initial interview with buyer/seller clients; consideration of initial interview checklists.

Workshop tasks: Review of attendance notes and interview checklists, identification of next steps to progress sale; consideration of letter of undertaking to mortgage lender for release of title deeds; amending draft contract received on purchase; considering replies to preliminary enquiries on purchase.
 - (ii) **Residential Sale & Purchase 2**

Pre-workshop preparation: Background reading, identification of relevant pre-contract searches on purchase and completion of necessary application forms; identification and completion of application form to obtain office copy entries on sale.

Workshop tasks: Review of pre-contract searches – forms and procedures, review of application for office copy entries; consideration of office copy entries received on sale; drafting contract on sale; advising clients on queries about completion of Part I SPIF and completing Part II of SPIF; identifying the elements of the draft contract package on sale.

(iii) Residential Sale & Purchase 3

Pre-workshop preparation: Background reading, preparation of requisitions on title on unregistered purchase.

Workshop tasks: Detailed consideration of requisitions on title, writing letter to sellers' solicitors to raise requisitions; consideration of results of pre-contract searches and identification of matters to report to buyers and/or their lender; discussion of preliminary advice to buyers about planning permission and the effect of restrictive covenants on their plans to build an extension.

(iv) Residential Sale & Purchase 4

Pre-workshop preparation: Background reading, preparation of contract report on purchase for clients.

Workshop tasks: Review of draft contract reports, detailed consideration of CML Lenders' Handbook, Part 2 conditions and mortgage offer and valuation report and identification of matters to report to lender; consideration of pre-exchange of contracts checklist; role-play of exchange of contracts ensuring synchronisation of transactions; preparation of memorandum of exchange and compliance with undertakings given on exchange; discussion of common problems relating to exchange.

(v) Residential Sale & Purchase 5

Pre-workshop preparation: Background reading; apply checklists to transaction; consider draft transfer on sale; list financial matters.

Workshop tasks: Review steps up to completion; complete transfer deed on purchase and complete Certificate of Title and send to lender; complete replies to Completion Information & Requisitions on Title form on sale; prepare statement of account for clients.

(vi) Residential Sale & Purchase 6

Pre-workshop preparation: Background reading; complete land charges register search applications; prepare checklists of all tasks leading to completion (including movement of funds)

Workshop tasks: Plenary session using a PowerPoint presentation of the tasks before, at & after completion; in groups students to prepare / collect all paperwork needed to complete on the sale & the purchase; completion; completion of forms necessary to pay stamp duty and apply for first registration of property.

(vii) Commercial Leasehold Purchase 1

Pre-workshop preparation: Background reading, answer questions on lease.

Workshop tasks: Review answers to questions on the lease; plenary review of the lease; consideration of contract and related matters, including licence to assign; draft reply to letter from client.

(viii) Commercial Leasehold Purchase 2

Pre-workshop preparation: Background reading, research to locate and take copy of recent House of Lords decision; look up case; consider transfer deed for transaction.

Workshop tasks: Drafting of memo to principal on subject of undue influence in relation to business loan to husband secured on matrimonial home; completion of transfer deed; carry out pre-completion searches; checking completion statement provided by assignors solicitors; drafting notice of assignment and completing form to register transfer at HMLR.

(ix) Commercial Sale of Part & Grant of Lease 1

Pre-workshop preparation: Background reading, obtain and consider a copy of Law Society's Business Lease (of whole)

Workshop tasks: Drafting contract for sale of part of commercial premises, identifying elements of contract package; discussion of amendments to draft contract proposed by buyer's solicitors; advising client on terms of proposed lease of commercial premises; deduction of title on grant of lease.

(x) Commercial Sale of Part & Grant of Lease 2 and Revision

Pre-workshop preparation: Background reading, preparation of letter of advice to client about security of tenure and contracting out under Landlord & Tenant Act 1954, preparation of list of revision queries.

Workshop tasks: Review of letters of advice about Landlord and Tenant Act 1954, obtaining consent from lender to release of part sold and to grant of lease; consideration of amendments to draft transfer on sale of part; identification of pre-completion and completion steps in both transactions; tutor led question and answer revision session.

(c) Clinic Session (2 hours)

Review of basic freehold conveyancing sale and purchase law and practice in residential context by reference to a variety of questions/problems scenarios. Clinic takes place at end of cycle of residential conveyancing workshops. Students required to prepare for Clinic by working through questions/problems in advance.

8.3 Elective Areas

8.3.1 Teaching Scheme

Elective: Acquisitions & Mergers

(a) Session 1: 1 x 1 hour LGS

Introduction and overview of course: types of acquisitions in the UK.

(b) Session 2: 1 x 1½ hours LGS

An overview comparison between the sale of shares and the sale of assets.

An introduction to warranties, indemnities and disclosures.

(c) Session 3: 1 x 3¼ hours SGS

(share sale introduction)

(i) Taking instructions on the proposed share sale transaction. (A review of the major steps involved).

(ii) Identifying key issues and putting together a team of professional advisers (in-house specialists, foreign lawyers, accountants, actuaries).

(iii) A review of due diligence and drafting part of the Request for Information.

(iv) An introduction to the structure of a share purchase agreement.

(d) Session 4: 1 x 3¼ hours SGS

(Continuing share sales; building on Session 3)

(i) Working with a share purchase agreement, identifying clauses of particular relevance.

(ii) Drafting a letter to the client providing an overview of the process involved in a share purchase with a focus on consideration.

(iii) Drafting a consideration clause for a share for share exchange.

(e) Session 5: 1 x 3¼ hours SGS

(i) Issues surrounding a split exchange and completion are explored.

(ii) Identifying which clauses in the share purchase agreement deal with a split exchange and completion.

- (iii) Drafting of a “conditions” clause for inclusion in a share purchase agreement.
 - (iv) A close look at contractual protections required by a purchaser for the period between exchange and completion.
- (f) Session 6: 1 x 3¼ hours SGS**
 - (i) A close look at seller’s limitations on liability, both in the share purchase agreement and in the form of disclosure.
 - (ii) Students receive a first draft rider containing limitations on liability and are asked to mark it up and negotiate it.
 - (iii) Students receive a first draft disclosure letter, they must mark it up and provide advice to the client on the issues raised by specific disclosures.
- (g) Session 7: 1 x 1 hour LGS**

An overview of the taxation aspects of an acquisition; sale of shares, sale of business, deferred consideration, payments under indemnities, warranties.
- (h) Session 8: 1x3¼ hours SGS for Part Time students and take home Easter workshop for full time students**
 - (i) Students to consider the warranty schedule of the share sale agreement. Students to prepare a set of short form warranties and to justify the inclusion / omission of each warranty.
 - (ii) Students to explain certain clauses of the agreement to the client in plain English.
- (i) Session 9: 1 x 3¼ hours SGS for Full Time students and take home Easter workshop for Part Time students**

(Business sale introduction)

Students will receive some background facts by way of letter from client enclosing preliminary details including the following:

Client is a UK private company seeking to acquire a similar business from another UK private company.

Degree of synergy between the businesses so client believes some downsizing will be possible, especially as regards the workforce.

Certain premises to be acquired.

Client aware that seller has litigation outstanding against it.

As part of due diligence exercise, client to be allowed access to key trading contracts – unlikely that all will be required to be passed over.

Client will need to extend borrowing facilities to finance the acquisition and intends to use assets acquired as additional security.

Task: Fact analysis: using above facts, students to consider whether client should acquire the business or shares. Consideration to be given to practical issues e.g. selection of assets desired, avoidance of involvement in ongoing litigation, implications for employees, novation of contracts and security for borrowings.

Task: Working individually or in pairs, students to write letter of advice to client dealing with above issues.

Task: Working as a group, students to consider how documentation required on a business sale will differ from that required on a share sale (e.g. content of acquisition agreement with particular reference to the warranty clause, novation agreements etc.) and also how emphasis might change on due diligence process (especially as regards the review of contracts to be transferred to check for prohibitions on assignment etc.).

Task: Students will be provided with a first draft heads of terms, they will be asked to mark up the document.

(j) Session 10: 1 x 3¼ hours SGS

(Business sale continued)

- (i) Students advise by way of a memo on the tax implications of a share sale as compared to a business sale.
- (ii) Students to consider “office precedent” business acquisition agreement and work through detailed questions from clients requiring them to consider the effect of specified clauses on both buyer and seller and to assess their importance to the transaction as a whole.

(k) Session 11: 1 x 1 hour LGS

Employment and pension issues relevant on a transaction.

(l) Session 12: 1 x 3¼ hours SGS

- (i) Students to draft employment part of due diligence questionnaire from scratch.

- (ii) Students to advise client in an e-mail of the ramifications of TUPE on the proposed business purchase.
- (iii) Students to apply the relevant environmental legislation to an environmental problem encountered by target and to advise the buyer accordingly.

(m) Session 13: 1 x 3¼ hours SGS

- (i) Students draft a retention account provision and a restrictive covenant, using precedents.
- (ii) Students to prepare to discuss issues arising as a result of specific disclosures made.
- (iii) Students to draft a completion agenda and completion board minutes.

(n) Session 14: 1 x 3¼ hours SGS

Review of the course / revision clinic:-

Shares Vs Business (legal, commercial, tax factors);

Timetable / Role of Advisers;

Taking instructions / fact analysis (ramifications for the deal);

Due diligence / problem solving;

Drafting / negotiation / re-drafting of contractual documentation;

Exchange of contracts and completion.

8.3.2 Teaching Scheme

Elective: Corporate Finance (Equity)

(a) Session 1: 1 hour large group session (lecture)

Overview of course. In particular, the regulatory framework and the FSA, the role of the UKLA, the Stock Exchange, the Investment Committees, the Takeover Panel, the Merchant Bank and Sponsor. Raising equity finance in London & a typical corporate finance transaction in outline.

(b) Session 2: 3.25 hour small group session (workshop)

The additional legal & regulatory rules and restrictions applicable to public limited companies. The public company AGM. Group corporate structures. Financial assistance and subsidiaries.

(c) Session 3: 3.25 hour workshop

The directors of public limited companies. Directors' duties. Insider dealing and market abuse. The model code. Statutory and other obligations in relation to shareholdings.

(d) Sessions 4 & 5: 2 x 3.25 hour workshops

Introduction to the regulation to consider on the typical finance raising transactions. Types of securities offerings (including initial public offerings) in outline. Emphasis will then be placed on secondary offerings (rights issues/open offers and placings). An example rights issue timetable stressing the role of the lawyer (agreeing the timetable, drafting parts of the prospectus, commenting on the documentation, verification, understanding the underwriting arrangements, understanding the underwriting fees). The role of the bank and the roles of the accountants & other advisers. The impact of the CA (ss.121/80/89). The impact of Chapter 6 UKLA regulation (plus references to chapters 5, 7 and 8, the FSMA and the liability for statements in the prospectus). The impact of the IPCs. Consideration of particular sections of a real open offer and placing prospectus (e.g. the "Chairman's Letter", "Additional Information" & "EGM Notice" sections) with reference to the Listing Rules themselves.

(e) Session 6: 3.25 hour workshop

Acquisitions and finance raising regulation. A review of the impact of Chapter 10 UKLA regulation and the class tests (in particular, the requirements for a class 1 transaction). Overlapping regulation (i.e. the chapter 6 prospectus and the chapter 10 class 1 circular). The impact of the IPCs. Vendor placings with and without clawback. A model timetable for completion of an acquisition with a vendor placing. Again, students to refer to the Listing Rules themselves.

(f) Session 7: 3.25 hour workshop

Class 1 case study (part 1). Students to review an acquisitions scenario, classify the transaction and consider all aspects of regulation. Students to review and answer questions on specific aspects of a real class 1 circular/prospectus with reference to the Listing Rules themselves.

(g) Session 8: 3.25 hour workshop

Class 1 case study (part 2). Students to deal with issues arising on the class 1 circular (e.g. profit forecasts, working capital, directors' responsibility statement, verification, drafting the class 1 ordinary resolution on the notice of EGM etc.).

(h) Session 9: 3.25 hour workshop

Takeovers (part 1): The code and the panel. General principles and selected Rules. Timetable of hostile bid. Stake-building. Buying out minorities. Failed bids. Students to summarise recent transactions that they have followed in the press or over the internet.

(i) Session 10: 3.25 hour workshop

Takeovers (part 2): Case study on above issues.

(j) Session 11: 1 hour lecture

Tax in the city context. A review of the major tax issues for corporate clients.

(k) Session 12: 1 hour lecture

Guest speaker (a lawyer from a city law firm). A recent transaction explained.

(l) Session 13: 3.25 hour workshop

Revision/review of course. Students to undertake tasks based on a given facts scenario.

(m) Session 14: 1 hour lecture

This session is used to review the Easter Self-Study workshop.

8.3.3 Teaching Scheme

Elective: Banking and Capital Markets

- (a) **Session 1 LGS 1 hour**
Introduction and overview; different funding requirements and various types of facilities and instruments capable of meeting those requirements; highlight contractual basis and underlying common elements
- (b) **Session 2 LGS 1 hour**
Loan agreements. Constraints on bank's ability to lend imposed by capital adequacy requirements; nature of and difference between term and revolving credit facilities and between bilateral and syndicated lending; significance of facilities being committed or uncommitted; structure and content of a loan agreement and how the type of facility influences the content.
- (c) **Session 3 SGS 3¼ hours**
Term loan 1
- Review of
 - due diligence and terms sheet
 - less contentious loan agreement provisions – definitions, type of facility and its term, purpose, conditions precedent, availability, interest (including interbank basis) and boiler plate provisions.
 - nature and purpose of a negative pledge
 - Drafting exercise focused on the drafting of different interest provisions that highlights the interbank basis, the base rate basis and fixed basis.
 - Negotiating exercise on negative pledge – students will be divided into teams to represent borrower and lender and asked to draft and negotiate negative pledge clause. Lender's teams will draft clause and borrower's teams will have instructions to obtain specific exemptions (of which the lender's teams will be unaware at the outset). Teams will have to provide agreed draft of clause as negotiated.
- (d) **Session 4 SGS 3¼ hours**
Term loan 2
- Review of
 - representations and warranties
 - other covenants
 - events of default
 - governing law and jurisdiction
 - Drafting exercise – students will consider the borrower's position and how to amend the default clause and prepare

amendments to the clause. Students will then evaluate the lender's position to understand what amendments are acceptable.

- Drafting exercise – students will consider the position of a borrower whose loan is guaranteed by both domestic and overseas subsidiaries and draft the appropriate jurisdiction clause taking account of the subsidiaries differing places of incorporation.

(e) Session 5

SGS 3¼ hours

Syndication and Secondary Debt

- Review of
 - syndication provisions of the LMA primary documents including the role of the arranger, of the agent, majority and unanimous decisions, syndicate management and sharing
 - nature, advantages and disadvantages of novation, assignment (legal and equitable) and sub-participation.
- Exercise on advising agent of syndicate on syndicate decisions and on sharing between members of syndicate of partial receipt of funds.
- Letter writing exercise – students will be asked to provide a draft letter of advice outlining the different options for a lender to dispose of specific loan assets.

(f) Session 6

LGS 1 hour

Secured lending

Outline of the different forms of security and quasi-security (guarantees and comfort letters in particular). Consider the different property and assets over which security may be given and the methods by which security is effected over particular property and assets; nature of floating charges and a bank debenture. Overview of lending done on a secured basis.

(g) Session 7

SGS 3¼ hours

Secured Lending 1

- Review of
 - nature of fixed and floating charges and crystallisation of a floating charge;
 - priorities, registration of charges and Slavenburg registrations;
 - corporate benefit and financial assistance;
 - corporate procedural requirements.
- Students to review in detail the terms of a bank debenture and a personal guarantee
- Drafting exercise – students to draft board minutes for borrower entering into debenture in support of loan to borrower.

(h) Session 8

SGS 3¼ Hours

Secured Lending 2

- Review of
 - voidable floating charges
 - nature and content of a guarantee and an indemnity and the distinctions between them
 - form and purpose of a comfort letter and whether it is binding.
- Negotiating exercise – students in teams representing borrower and lender will be provided with specific facts and asked to draft and negotiate the charging provisions for a debenture to be given by an operating company.
- Drafting exercise – preparation of short form guarantee, a non binding comfort letter and a memorandum to client explaining the legal consequences of using one document rather than the other.

(i) Session 9 LGS 1 hour

Outline of the euromarkets and the nature of eurocurrency; types of mandate granted to a lead manager; structure of a bond issue – trustee or fiscal agent; legal nature of bonds, commercial paper and other debt instruments; and role of listings, clearing systems, IPMA and ISMA.

(j) Session 10 SGS 3¼ hours

Eurobond 1

- Review of
 - different types of issues – straight, FRN, zero coupon, equity linked;
 - form and nature of bonds, negotiability, terms and conditions
- Drafting exercise – students to prepare negative pledge and default clause for a sovereign borrower's bond issue and then revise it for a sovereign owned corporate issuer
- Advisory exercise – students to prepare a letter of advice to issuer client on the functions and role of a trustee and compare the advantages and disadvantages of trustees and fiscal agents.

(k) Session 11 SGS 3¼ hours

Eurobonds 2

- Review of
 - marketing and distribution methods – selling restrictions;
 - timetable, signing and closing procedures;
 - other issue documents – subscription agreement, trust deed, fiscal/paying agency agreement, definitive bonds and global notes;
 - listing requirements for a eurobond issue, statutory disclosure requirements and liability for listing particulars.
- Advisory exercise – students will be required to provide advise to finance director of issuer on disclosure aspects of listing particulars

- Comparative exercise – one set of student teams will identify the principal features of bank loans, their advantages and disadvantages while the other set of student teams identify the principal features of bond issues, their advantages and disadvantages.

(l) Session 12 SGS 3¼ hours

Other debt instruments

- Review of
 - Commercial paper
 - Medium Term Notes
 - Certificates of deposit
 - Acceptance credits
- Advisory exercise – students, on the basis of certain facts, will prepare a letter of advice to issuer client as to its ability to undertake a commercial paper issue.
- Advisory exercise – on the basis that the issuer is to undertake a debt programme to finance a plant re-equipment plan, students will be required to set out in a memorandum what regulatory requirements have to be met and what conditions will apply.

(m) Session 13 Directed study over Easter break 3 hours

Legal opinions

- Review the purpose, nature and content of a legal opinion.
- Drafting exercise – based on the precedent provided students will be required to draft an opinion for a loan agreement. The circumstances will be changed – borrower will change from English corporate to overseas finance subsidiary guaranteed by English parent – and the students will be asked to prepare a memorandum of the changes that need to be made to the opinion.

(n) Session 14 SGS 3¼ hours

Revision and course review

- Mock exam questions will be set under exam conditions.
- Highlights of salient features of different debt financing methods.
- Focus on procedural and practical aspects.

8.3.4 Teaching Scheme

Elective: Commercial Law

Some students find difficulty in seeing the link between the different aspects of the Commercial Law Elective. The different sessions try to show a common thread running through the Elective by, amongst other things, using the same client in many (but not necessarily all) of the workshop sessions. It is intended that the client will be Zetlin Car Components Limited, which acts as an agent and as a distributor for a number of car manufacturers, and which also manufactures some generic car components and accessories.

(a) Session 1: 1 x 1 hour LGS

LGS 1: “Commercial Contracts – Sale of Goods”. This session will provide a brief overview of the course, highlighting the role of the commercial lawyer and the importance of contracts for businesses. Students will be reminded of some of the important issues of contract law (which they will have considered at an earlier stage of their legal training) and such issues will be put into a practical commercial domestic sales context. Students will be provided with an additional handout on International Sales which will assist them in preparing for SGS 2.

(b) Session 2: 1 x 3¼ hours SGS

SGS 1: “Commercial Contracts”. This workshop will build upon the outcome of LGS1. Students will be required to review a set of standard terms and conditions of sale for a business involved in the sale and purchase of car components, commenting on the effectiveness of the document as drafted. In addition the students are required to consider contractual disputes under the Sale of Goods Act 1979 identifying the liabilities and remedies available.

(c) Session 3: 1 x 3¼ hours SGS

SGS 2: "International Sale Agreements". This session will require students to consider the terms of an international sale contract for the import of goods and to advise on problems with regard to shortfall in the goods and damaged goods. It will also require students, as a separate task, to advise a client on the remedies available to the client against the carrier under the Carriage of Goods by Sea Act and the Hague Visby Rules.

(d) Session 4: 1 x 1 hour LGS

LGS 2: “Intellectual Property – Copyright and Designs”. This lecture will introduce students to the law and practice relating to patents, trade marks, passing off, design rights, copyright and confidential

information. In particular its objective is to raise students' awareness of the commercial importance of these types of intellectual property rights ("IPR"). The main emphasis of this lecture will be on copyright, registered designs and design right, information that students will need to help them prepare for SGS 4. Matters dealt with will include subsistence, ownership, assignment/licensing, infringement and defences, with particular emphasis on matters such as novelty in the case of registered designs, the "must fit/must match" exceptions and the relationship between copyright and design protection. Students will also be provided with an additional handout on trade marks, passing off, breach of confidence and patents, which will assist them in preparing for SGS 6 and SGS 7.

(e) Session 5: 1 x 3¼ hours SGS

SGS 3: "Agency and Distribution". This session will require students to consider agency and distribution agreements. In the context of agency the students will be asked to consider the application of the Commercial Agents Regulations. In addition the students will be asked to negotiate a distribution agreement and also advise the client as to his liabilities / remedies for unsatisfactory goods being delivered to him.

(f) Session 6: 1 x 3¼ hours SGS

SGS 4: "Copyright and Designs". The emphasis of this workshop will be on design law and the relationship between copyright and designs. As their first task, students will be asked to consider and advise whether Zetlin may safely manufacture various car parts without infringing copyright, registered designs and/or unregistered design rights. Students will then go on to consider and advise on the legal and practical issues relating to design right protection in 3-d products based on aspects of a computer game.

(g) Session 7: Directed Study over the Easter Break

SGS 5: "Documentary Letters of Credit" For this directed study we will be asking the students to look at payment mechanisms for international sales, concentrating in particular on letters of credit. Students will be required to advise a client on the opening of such credit for the import of goods and the consequences of the credit where the goods are faulty. In addition the students will advise on letters of comfort and performance bonds. The students will be provided with an answer guide and a formal review session after Easter. (see below – Session 8)

(h) Session 8 1 x 1 hour LGS

LGS 3: "Documentary Letters of Credit" This session will provide an overview of bills of exchange, cheques, Documentary Letters of Credit, letters of comfort and performance bonds and trust receipts

with reference to the relevant sections of the directed study. (Session 7)
In particular the session will highlight the Uniform Customs and Practice for Documentary Credits and the doctrine of autonomy of the credit. It will also highlight the importance of tying together the credit, the sale contract and transport arrangements

(i) Session 9: 1 x 3¼ hours SGS

SGS 6: “Trademarks and Passing Off”. This session will raise student awareness of the huge commercial value that commercial clients place on their brand image and reputation, and will begin by considering the extent to which the actions for passing off and trade mark infringement may be utilised to prevent third parties trying to exploit that reputation for commercial gain. The students will then consider the issues relating to the granting of a trade mark licence from the point of view of the licensor and the licensee, and will go on to consolidate that learning by reviewing a draft trade mark licence agreement and by writing a letter to the client which answers his queries.

(j) Session 10: 1 x 3¼ hours SGS

SGS 7: “Patents and Confidential Information”. In this workshop students will consider the issues relating to the ownership and protection of trade secrets and patents, and the EC competition law implications of exploiting patent rights by the granting of patent licences. They will do so in the practical context of taking a client’s instructions and providing legal advice in a solicitor/client meeting. Students will then be asked to draft a letter of advice to the client confirming (or amending) the advice given at the meeting.

(k) Session 11: 1 x 1 hour LGS

LGS 4: “EC Competition Law”. Building upon the knowledge acquired on the core Business Law and Practice Course, students will be provided with further detail of EC law and practice relating to anti-competitive conduct. Particular emphasis will be placed on Articles 81 and 82 of the EC Treaty, The Notice on Agreements of Minor Importance and the Block Exemption on Vertical Agreements.

(l) Session 12: 1 x 3¼ hours SGS

SGS 8: “Competition Law I”. In this session students will be asked to consider and advise a client on the EC competition implications of the trade mark licence which was considered in SGS 6. Students will also consider what, if any, compliance programme should be adopted by the client in order to prevent future infringements of EC competition law and the likely effect of such a programme in the event of a flagrant or inadvertent breach of those rules.

(m) **Session 13: 1 x 3¼ hours SGS**

SGS 9: “Competition Law II”. In this session, students will be asked to apply the UK Competition Act 1998 to an example of abusive conduct. Students will then go on to view an Office of Fair Trading training video on the investigative and enforcement powers of the DGFT under the CA 1998. Finally, students will have the opportunity to draw their knowledge of EC and UK Competition Law together by advising a client on the implications of the client’s conduct under both regimes.

(n) **Session 14: 1 x 3¼ hours SGS**

SGS 10: "In-Course Review". During this session students will be able to consolidate their understanding of the subject by working through a one and a half hour review task in examination conditions. At the conclusion of that review task there will be an opportunity for students to raise with their tutor any remaining questions that they may have on the topics that they have studied on the Elective and on the examination itself (although, obviously, not the questions).

8.3.5 Teaching Scheme

Elective: Commercial Litigation & Dispute Resolution

(a) Session 1: 1 x 3¼ hours SGS

Preparatory work for this session involves consideration of outline facts of a case and identifying the most appropriate means of resolution of the dispute in question. During the workshop, students examine in detail the pros and cons of the numerous available methods of dispute resolution, including litigation, mediation arbitration and negotiation. They also identify the range of factors to be considered in reaching a view on the advice to be given to the client in the scenario under consideration. Students draft a letter to the solicitors for the other party to the dispute in order to negotiate agreement for resolution by mediation. This involves consideration of the factors likely to influence that party in its decision on the most appropriate form of resolution. A video re-enactment of resolution of a dispute by mediation is shown, followed by a class discussion on the role of the solicitor in relation to dispute resolution by mediation. Students then role-play a mediation of the workshop case study.

(b) Session 2: 1 x 3¼ hours SGS

In the context of a case study set in the county court, students are required to research from primary sources the grounds and procedure for a without notice injunction application, to analyse available evidence, to draft a witness statement in support of an application for without notice and on notice applications, and to draft clauses for an interim injunction. They are also required to advise on the giving of relevant undertakings.

(c) Session 3: 1 x 3¼ hours SGS

During this session students consider the appropriate use of and the procedure for obtaining a Freezing Injunction. They research procedure from primary sources and consider how evidence in support of the application is to be gathered. Students explain the nature of the undertaking in damages, the circumstances in which the client may be called upon to pay under the undertaking, the duty of full and frank disclosure and the costs implications for the client of an application for a Freezing Injunction. Students research procedure on matters to be dealt with after the order and consider the practical and costs implications of post order matters. The final task in the workshop is based on another factual scenario in which students are asked to consider the position of a respondent when served with a search order.

(d) Session 4: 1 x 3¼ hours SGS

This workshop begins with students considering the most appropriate method of settling a dispute where proceedings have not been issued. The practice and procedure relating to Part 8 claims is researched from primary sources in the context of costs-only proceedings and students draft the necessary

documentation to begin Part 8 proceedings. They then consider the practice and procedure and documentation for a detailed assessment of costs.

(e) Session 5: Directed Study over Easter break

Students consider the role of arbitration under the Arbitration Act 1996 in connection with a commercial dispute. They write a letter of advice to the client explaining the nature of arbitration and identifying the relevant advantages and disadvantages for the client in adopting arbitration as a method of resolution. They also consider the selection of an arbitrator and issues of challenge to and enforcement of an award. Written feedback on these tasks is given after the Easter break and in addition tutors are available to answer any specific queries students may have following the Easter break.

(f) Session 6: 1 x 1 hour LGS

This large group session underpins aspects of the remaining workshop sessions. In particular, students are introduced to the topic of security for costs and the complexities surrounding this area of practice to assist in their preparation for session 7. The session also covers entitlement to and calculation of both pre and post judgment interest, in preparation for exercises in sessions 11 and 12. Strong emphasis is placed on risk assessment, commercial awareness and observance of the overriding objective when advising Commercial Litigation clients on court procedures

(g) Session 7: 1 x 3¼ hour SGS

Students consider the facts of a new case study where one of the parties is a South African corporation and give advice on the most appropriate method(s) of resolution of the dispute in question. This requires application of knowledge gained in various parts of the course to date in circumstances where there are several alternative courses of action to be considered. In the event, court action is taken and students are required to recognise and advise on a procedural defect relating to service of the proceedings. They also have to recognise that it is necessary for the defendant to admit part of the claim. They then have to consider and advise on the making of an application for security for costs and plan in detail the documentation for the application.

(h) Session 8: 1 x 1 hour LGS

This session is part of students' preparation for the exercises undertaken in session 9. Students are introduced to issues relating to the jurisdiction of the courts of England and Wales and service out of the jurisdiction to assist their understanding of the pre-reading for this workshop. They are also reminded of the rules relating to disclosure of documents and, in particular, to issues of privilege. The session aims to broaden and deepen students' understanding of disclosure and privilege gained during the civil litigation course so that, having undertaken the preparation for workshop session 9, they will be able to

explain the relevant rules to an overseas client in the context of facts given during the workshop.

(i) Session 9: 1 x 3¼ hour SGS

This workshop is in two parts. In preparation, students are given a series of different factual scenarios and asked to prepare reasoned answers to questions on the principles and procedure governing service out of the jurisdiction. The aim is to help students distinguish between those principles applicable to a defendant domiciled in a CJJA state and a non-CJJA State by application to practical examples. Students are given further practice in planning and drafting evidence in support of an application to court. The second part of the workshop consolidates and extends students' understanding of the principles of disclosure and privilege learnt on the Civil Litigation course. Students advise a client as to the consequences of accidental disclosure, where issues of Professional Conduct are raised, and, applying recent case law, advise on a question relating to specific disclosure.

(j) Session 10: 1 x 1 hour LGS

Students are introduced to the role of corporate and individual insolvency procedures in commercial litigation. They are introduced to the use of statutory demands and Professional Conduct issues are stressed in the context of the obligation to use insolvency procedures only where the debt is undisputed. The session includes interactive exercises to illustrate basic points and to reinforce student understanding.

(k) Session 11: 1 x 3¼ hour SGS

In preparation for this session, students are required to consider a range of commercial debt claims and advise on the interest and costs that could be claimed in each of the cases in question. In the workshop, they consider what enquiries it would be appropriate to make before advising on the recovery of commercial debts in various situations. Students are then given a new case study where a statutory demand has been served on a business client. They are expected to recognise that the client is seeking advice in a personal capacity and are asked to contrast the position where a statutory demand is served on a company. Students are required to identify procedural defects in the statutory demand served and advise on the consequences and what action would be appropriate in the circumstances. Professional conduct issues as to "off the record" conversations and billing clients are considered. Finally, in the context of judgment in default and using primary sources, students research time calculation in accordance with the CPR.

(l) Session 12: 1 x 3¼ hour SGS

This workshop is in two parts. First, in the context of a debt owed by a company, students consider the tactical aspects of using insolvency procedures to secure the client's position where there are other judgment creditors. By way of preparation (and following on from Session 9), students will have

drafted a statutory demand using IT forms software available in the workshop rooms. They consider the relevant legal and practical implications that arise when a debtor offers to pay the debt after a winding up petition has been presented. Students are then given a new case study – they are provided with details of a judgment obtained against a company, obtained in the High Court and are required to consider the appropriate methods of obtaining information on the judgment creditor, to take appropriate steps to obtain this information and thereafter to take appropriate steps to enforce the judgement. Students must make their own decisions as to the steps to be taken. The emphasis is on careful planning of an appropriate enforcement strategy. A range of forms which may be relevant (statutory demand, writ of fi fa, charging order, etc.) are available on the IT software in the teaching rooms or in hard copy form and students are expected to complete these as appropriate. The tutor is present throughout and acts as client, the court, the Land Registry etc., receiving requests for instructions and forms drafted by students and providing appropriate responses.

(m) Session 13: 1 x 3¼ hour SGS

This session is given over to revision / review of the course. A 20 question “revision quiz” is completed individually by students by way of preparation for the workshop. The purpose of this section of the session is to highlight to individual students any areas in which their understanding is inadequate or incomplete, thus assisting their individual revision process and prompting them to seek individual assistance for the tutor if appropriate. Students are then given a variety of tasks to perform that reflect and consolidate previous work. The tasks emphasise the need for speedy accurate and cost effective responses to the commercial client. The session concludes with further exercises, drawn from a bank of exercises built up by the team, on areas identified by students or the teaching team as areas in which students would benefit from additional work in order to aid their understanding of matters covered on the Commercial Litigation & Dispute Resolution course.

8.3.6 Teaching Scheme

Elective: Commercial Property

(a) **Session 1: 1 x 3¼ hours SGS**

This session involves a consideration of issues arising when drafting and amending a commercial lease and focuses primarily upon provisions as to rent, rent review and the term of the lease. The students undertake three tasks during this workshop. The first task involves a wide-ranging consideration of the mechanics of an open market rent review, the vehicle for this analysis being a comparison between two forms of open market rent review provision. The second task involves drafting amendments to the rent provisions in a commercial lease to provide for a rent free period, and a consideration of amendments required to the disregards in the rent review provisions as they relate to tenant's fitting-out works. The final task involves a consideration of the break clause provisions in a commercial lease by reference to a defective notice purporting to operate the break.

(b) **Session 2: 1 x 1 hour LGS**

This session provides an overview of the planning legislation and the administrative structure through which it operates. The purpose is to provide essential background information for Session 3, and to ensure that the students have an adequate working knowledge of the planning system and local government to enable them to consider the drafting and interpretation of user provisions in the commercial lease.

(c) **Session 3: 1 x 3¼ hours SGS**

This session introduces students to the basic concept of development, the General Permitted Development Order and the Use Classes Order. The session uses a simple planning permission and the conditions attached to it as the vehicle for this material. Students have to advise on both matters of law and planning policy. Part of the session requires the students to identify and apply relevant guidance of the Secretary of State for the Environment and to apply the policies in the development plan to the situation. The written element of the session takes the form of a letter to a client setting out why the works are in breach of planning control, the merits of making a planning application to the local planning authority and the likely outcome of such an application.

(d) **Session 4: 1 x 3¼ hours SGS**

This session involves a consideration of issues arising when negotiating a commercial lease of a suite of offices in an office block, and focuses primarily upon provisions as to user, repairs, alterations/improvements, sharing occupation and VAT on commercial leasehold transactions. The students are acting for a prospective tenant and are given a draft lease to consider prior to

the workshop. During the workshop, the students are required (1) to consider what instructions they will require from/advice they will need to give to their client on the proposed transaction, (2) to obtain from the client and record appropriate instructions (the tutor representing the client for this purpose) and (3) to draft necessary amendments to the lease, identify the further information to be required from the landlord by way of preliminary enquiries and advise on the recovery of VAT on a contribution to landlord's costs.

(e) Session 5: 1 x 3¼ hours SGS

This session involves a consideration of issues arising when drafting and amending a commercial lease of units at a new retail shopping centre, and deals principally with provisions as to environmental liability, service charge and insurance. The students are acting for the freehold owner of the centre and are engaged in negotiating leases with prospective tenants of seven of the units there. The client has provided instructions as to its agenda for the recovery of service and insurance costs for the centre, and the students are required to identify an appropriate mechanism for the recovery of these costs. This involves a wide-ranging consideration incorporating the mechanics of a service charge provision, the recovery of a number of specific costs typical to commercial premises of this nature, and issues relating to the apportionment of such costs between tenants at the centre. The students then undertake a task which requires them to consider and advise their landlord client upon the operation of the insurance provisions in a commercial lease, following a terrorist attack upon the demised premises. Finally, the students undertake a task which focuses upon the interrelation between service charge and other provisions in a commercial lease. The task involves the drafting of amendments to provisions concerning rent, landlord's repairing obligations, insurance and service charge for a lease of one of the units at the centre.

(f) Session 6: 1 x 1 hour LGS

This session reviews the matters covered in Sessions 1, 4 and 5 by way of an analysis of a tenant's solicitor's 'checklist' for considering a draft commercial lease.

(g) Session 7: Directed Study over Easter Break

This session, which deals with the assignment of a commercial lease, aims to provide an introduction to the principal provisions of the Landlord and Tenant (Covenants) Act 1995 (**Note:** further work on these provisions is included in Session 13). Students are provided, before this session, with a detailed handout on the provisions of the 1995 Act and are required to consider a number of self-test questions on these provisions. The workshop involves the following tasks:

- (i) students are required to formulate practical advice to a landlord client as to the liability of former tenants and their sureties under a lease in the light of the 1995 Act, involving a consideration of the effect of variations to the lease upon the liability of former tenants, the service of s.17 notices and

the likelihood of applications for an 'overriding lease' of the demised premises.

(ii) acting for the landlord, students are required to consider the practical impact of the 1995 Act upon the shape of alienation clauses, including the provision of 'authorised guarantee agreements'. The students are provided with a draft alienation clause for a new tenancy and are required to comment upon this draft by reference to the lawfulness, practical operation and commercial implications of its provisions.

(iii) employing an office precedent, students are required to draft a licence to assign and change the use for a new tenancy, to include provision for an authorised guarantee agreement

Feedback for this session is delivered by way of written feedback sheet and class discussion in Session 8.

(h) Session 8: 1 x 1 hour LGS

This session comprises a 'clinic' to review the matters covered in Session 7.

(i) Session 9: 1 x 3¼ hours SGS

The situation in this session concerns the sale and re-use of a redundant factory. The session deals with the concept of the planning unit and ancillary uses, and the use of negative conditions to ensure that off site works are undertaken. The access to information provisions in the Local Government Act 1972 are incorporated into the session by the students being required to request access to the relevant officers' reports and background papers. The students complete an application for planning permission in respect of a simple change of use. Following refusal of permission the students consider the report to the planning committee and relevant development plan policies to identifying possible grounds of appeal to the Secretary of State.

(j) Session 10: 1 x 3¼ hours SGS

The principal issue in this session is the sub-letting of commercial premises, the objective being to provide a mechanism for focusing the students' attention upon the variety of concerns influencing each party to the transaction - head landlord, mesne landlord and subtenant - and how these concerns can be addressed. Prior to the workshop, the students are provided with extracts from a report on lease prepared for a prospective assignee. The workshop commences with a task requiring the students to draft that part of the report which deals with the alienation provisions in the subject lease. The following two tasks concern a single sub-letting scenario, based upon a lease with the same alienation provisions as for the first task. Acting for the head landlord, the students are first required to draft a letter in response to an application by the tenant for a licence to sub-let. Acting for the sub-tenant, students are then required to consider the relevant provisions of both the sub-lease and head lease when the demised premises have been seriously damaged by fire.

(k) Session 11: 1 x 3¼ hours SGS

This session deals with the enforcement of planning control and the use of planning obligations.

The enforcement task requires the students to consider a model enforcement notice and to identify whether it complies with the relevant statutory requirements and properly takes account of the facts of the situation given to the students.

The use of planning agreements, under section 106 of the Town and Country Planning Act 1990, is now so wide spread that both commercial and domestic conveyancers need to be aware of the critical significance of the Secretary of State's guidance concerning when such agreements are appropriate. This session uses a small urban centre retail redevelopment as the basis for considering the application of the Secretary of State's guidance and requires consideration of a planning agreement precedent.

(l) Session 12: 1 x 3¼ hours SGS

This session addresses the security of tenure regime under Part II of the Landlord and Tenant Act 1954. Prior to this session, the students are provided with fairly extensive notes highlighting the operation of the 1954 Act by reference to example documentation. Considerable emphasis is placed throughout this session upon the practical steps necessary to address the many, largely immutable, time limits provided by the Act. The first part of the session involves a prospective tenant who is anxious to commence occupation of commercial premises immediately, at a time when negotiations for the grant of a lease have only just commenced. Acting for the prospective landlord, the students are first required to identify an appropriate mechanism, from amongst the various options, to avoid the operation of the Act. The students are then required to consider what provisions would need to be put in place to cater for the execution of fitting-out works by the prospective tenant. The second part of the session is based upon a single scenario involving a letting of commercial premises and a sub-letting of part of those premises, the mesne landlord remaining in occupation of the remainder. The students act in turn for each of the parties in cases involving the termination and renewal of the two leases. The tasks involve commenting upon the validity of a s.26 Request, advising on a response to a s.26 Request, advising upon applications for interim rent, drafting and serving notices under ss.25 and 40(1), advising a tenant on renewal procedure, identifying the competent landlord and advising on grounds of opposition to a new tenancy.

(m) Session 13: 1 x 3¼ hour SGS

This session involves a consideration of the impact of insolvency upon the practical operation of the commercial lease, and the variety of remedies available to a landlord on tenant default. The emphasis of this session is upon the documentation typically encountered when dealing with such matters.

Specifically, the matters addressed in this session include the drafting of a notice under section 17 of the 1995 Act; the statutory restrictions on enforcement consequent upon tenant insolvency; the drafting of a notice under s.146 LPA 1925 consequent upon tenant insolvency; advising a client as to how and when forfeiture can be effected on tenant insolvency; disclaimer of leases and applications for vesting orders; considering the validity of a s.146 notice for breach of a tenant's repairing obligation; advising on the regime under the Leasehold Property (Repairs) Act 1938 ; and advising a subtenant client following receipt of a notice under s.6 Law of Distress Amendment Act 1908.

(n) Sessions 14 and 15: 'Take-Home' Review Sessions

There is a 'take-home' review session for each of the commercial lease and planning elements of the course, comprising practice tasks comparable with the types of question the students might encounter in the Commercial Property examination. Students are provided with a written feedback sheet for each session, and are invited to raise any issues with a tutor at any time before the examination itself.

8.3.7 Teaching Scheme

Elective: Media & Entertainment Law

(a) LARGE GROUP SESSIONS

There will be 4 lectures. These will vary from year to year depending on the subjects of the small group sessions and may be delivered by the course tutors or visiting speakers. Topics include:-

- Overview lecture on copyright law and infringement.
- Lecture on recording contracts
- Lecture on the institutions regulating flow of royalties
- Overview lecture on Defamation
- Lecture on football contracts and transfers
- Lecture on privacy
- Lecture on sampling
- Lecture overview on e-commerce

(b) SMALL GROUP SESSIONS

The order and composition of the course varies from year to year. Generally there will always be 2 SGS on copyright, 2 SGS on defamation and 3 on the Music Industry. The remaining 3 SGS vary.

COPYRIGHT SGSs

General overview of copyright law including identifying existence of copyright, duration of copyright, ownership and transfer of copyright, international aspects of copyright, assertion of moral rights, infringement of copyright, consideration of an agreement assigning copyright.

DEFAMATION SGSs

General overview of law of defamation, obscenity, blasphemy and malicious falsehood including considering a newspaper article for potential libel, drafting a letter before action alleging defamation, drafting a claim, the defence of libel proceedings, consideration of potential action against client for obscenity.

MUSIC INDUSTRY SGSs

Overview of issues on acting for clients involved in the Music Industry, including drafting and negotiating an artist management contract with particular emphasis on the manager's commission, drafting, amending and negotiating recording agreements with particular emphasis on warranties on behalf of both parties, royalties, their calculation and payment, considering the issues of sampling music, downloading music from the internet and new media, setting aside an agreement for restraint of trade

TV & ADVERTISING SGS

Overview of some issues including the negotiation of a presenter agreement on PACT terms, consideration of proofing an advertising storyboard for compliance with relevant law and regulation, consideration of use and abuse of “image rights”, issues relating to sale and distribution of television programmes/films/videos, consideration of investment in a film, consideration of comparative advertising.

SPORTS SGS

Tasks involving advising sportsmen including negotiating a sponsorship agreement/a character merchandising agreement, sports agency agreements, consideration of football contracts and transfers, negotiation of the same.

E-COMMERCE SGS

Overview of issues relating to e-commerce including selling over the internet, distance selling, downloading, encryption, security, taxation, domain name dispute resolution, data protection, fan sites

PRIVACY SGS

Overview of issues relating to privacy, including privacy in photographs, press complaints commission, data protection, issues raised by *Douglas v Hello!* and subsequent cases, image rights and branding

8.3.8 Teaching Scheme

Elective: Employment Law

(a) Lecture 1

Introduction to the arena of Employment Law. The principle statutes and organisations. Explanation of specialist practitioner texts and case reports. The scope of the course.

(b) Lecture 2

Formation of the Contract of Employment. Sources of Terms.

(c) Workshop 1:- The employment contract

Consideration of the sources of and terms of the contract of employment of an employee client based upon an examination of available documentation. Identification of further necessary documentation and together with an analysis of the strengths and weaknesses of existing documentation.

Consideration of the issue of whether a worker is an “employee” .

(d) Workshop 2:- Termination of contract

Consideration of the impact of oral and written variation to the terms of the contract.

Methods by which a contract may be terminated. Termination without notice: contractual implications. Resignation, constructive dismissal and wrongful repudiation.

Students consider a short draft contract of employment and are required to identify amendments / additions which are necessary to ensure the contract accords with the client’s instructions.

Drafting of a settlement.

(e) Lecture 3

Unfair Dismissal including principles of compensation.

(f) Workshop 3:- Unfair Dismissal

Negotiation in relation to issues arising on a misconduct dismissal focussing on use (or not) of appropriate procedures by employer in relation to decision to dismiss.

Drafting of IT1 (Originating Application) and IT3 (Notice of Appearance) in relation to an unfair dismissal claim.

(g) Workshop 4 :- Compensation for Unfair Dismissal and Introduction to TUPE

Consideration and application of law in relation to basic and compensatory awards, including principles of deductions that may be made in relation to procedural and conduct issues.

Students are introduced to the TUPE Regulations, their impact on employers and employees on the transfer of a business and their links to Unfair Dismissal.

(h) Workshop 5: Directed Study for Easter Break: a visit to an Employment Tribunal

Examination of the practice and procedure used in the Employment Tribunal. Students will attend their local Employment Tribunal over their Easter break. They will be required to write a short report on the proceedings in Tribunal. This will include identification of a number of legal, procedural and advocacy issues. They will be required to consider the operation of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 1993 (as amended) in relation to the proceedings observed at Tribunal.

(i) Lecture 4

Redundancy Payments: principles and compensation.

(j) Workshop 6:- Redundancy

This workshop is split into two exercises. The first involves the students advising on a redundancy situation and concentrates on procedural fairness in the selection for redundancy. The second examines a dismissal for redundancy, involving an offer of alternative work by the employer. Students are required to advise as to whether the dismissal is an unfair dismissal and whether the employee is entitled to a statutory redundancy payment and to calculate what that would be.

(k) Lecture 5

Discrimination: principles and compensation

(l) Workshop 7:- Discrimination

The workshop looks at two scenarios:
Firstly that of an existing employee who develops health problems which may amount to a disability under the provisions of the Disability Discrimination Act 1995.

Secondly a case study based around a woman who is denied employment at interview because the recruiting company discovers that she is pregnant.

The workshop addresses common evidential problems in discrimination cases and examine tactics for both applicants and respondents to overcome this. It examines the potential financial consequences. It examines the EOC policy and code on Equal Opportunities at Work.

(m) Lecture 6

Restraint of trade and confidentiality.

(n) Workshop 8:- Confidentiality

The students examine the range of cases defining the terms "confidentiality", "trade secrets", "skill and knowledge", "employee know-how" and "springboard protection"; they will then analyse the drafting implications of *Faccenda Chicken v. Fowler*. The second aspect concentrates on the presentation of arguments on the merits of an existing contract as applied to a fact-situation. The students are required to prepare a case for arguments on its merits as in a full hearing. This means that the full range of arguments on drafting, application, and applicability to the business needs can be assessed.

(o) Workshop 9:- Restraint of trade

This workshop develops the issues in workshop 8 and also considers restraint of trade in more general terms with another case study, covering similar generic material (but dealing with a different industry and set of facts). It examines interim procedures and, specifically, the implications of the *American Cyanamid* decision as modified in the employment context by *Lansing Linde v. Kerr*. Students are required to work in teams to prepare applications on the basis of (a) a speedy trial not being possible; and (b) a speedy trial being ordered.

(p) Workshop 10:- Revision and review

This workshop will combine an 'open' session for students to raise any points they wish to revisit together with a multiple choice revision quiz.

8.3.9 Teaching Scheme

Elective: Family Breakdown

(a) Session 1: 1 x 1 hour LGS

Introduction to the Public Funding Schemes

(b) Session 2: 1 x 3¼ hours SGS

This session covers divorce law and gives an introduction to divorce procedure. Students will be given three small case studies (including practice documents) that raise issues of divorce law – those most commonly encountered in practice. Students will also be given small questions on basic divorce procedure and expected to research the answers using copies of the Family Proceedings Rules.

(c) Session 3: 1 x 3¼ hours SGS

This session covers divorce procedure in greater depth and will be wholly centred on one case study. Students will be expected to carry a simple divorce through from beginning to end, involving them in obtaining further information from the client, identifying what documents they need to obtain and drafting others. The issue of divorce costs will be covered in this session.

(d) Session 4: 1 x 1 hour LGS

This session covers divorce procedure. In LGS the students will be expected to have prepared in advance and answer small practical problems of divorce procedure and costs – again those most commonly encountered in practice.

(e) Session 5: 1 x 3¼ hours SGS

This is the first of two linked sessions on the subject of resolving disputes over children. It will begin with small problem questions on the law. Then the main case study used in these two sessions will be introduced by means of a role play interview. The client will be a “difficult” client, having problems with contact. This will lead to a discussion of the value of a conciliatory approach. Students will then be expected to draft a letter in accordance with the client’s instructions.

(f) Session 6: 1 x 3¼ hours SGS

The session will commence with small questions on basic Children Act procedure using the FPR. The students will then return to the case study encountered in previous session and will be expected to carry the contested application for contact through from commencement to end, identifying the necessary steps of procedure at each stage and suggesting a solution in the light of the welfare report. Public funding issues will be included. This

session will also introduce the students to the basic concepts of child care law by way of handouts including documents.

(g) Session 7: Directed Study over Easter Break

This session is mainly devoted to the law relating to ancillary relief claims after divorce. Students will be given two case studies and asked to consider what financial orders the court could make and what is most likely in the circumstances of the client. They will be expected to prepare a schedule of facts and issues for one of these case studies (necessary preparation for a skeleton argument). Further, the session will cover the need to take protective steps during the conduct of an ancillary relief claim.

(h) Session 8: 1 x 3¼ hours SGS

The session will introduce the students to a number of topics, all important to the overall consideration of the financial and property division on divorce; welfare benefits and tax credit systems; pension orders; the CSA; public funding. The medium will be by way of small problem and practical tasks, some based on the major case study used in the next session.

(i) Session 9: 1 x 3¼ hours SGS

The session will consider the conduct of an ancillary relief claim in depth, using one case study, including practice documents. In particular, the students will be expected to identify what further investigations of the opponent's case are necessary and to consider how these can be carried out. They will draft a Rule 2.63 questionnaire. The session will end with a consideration of the likely substantive costs and orders.

(j) Session 10: 1 x 3¼ hour SGS

This session will cover issues of taxation and the statutory charge. This will be undertaken in the context of drafting consent orders based on case studies used in earlier sessions. The procedure for obtaining consent orders will also be considered as will the topic of enforcement.

(k) Session 11: 1 x 3¼ hours LGS

This session will cover the topic of domestic violence, including the Part IV Family Law Act and the Protection from Harassment Act. This will be achieved first by a number of small problem questions that will necessitate the students identifying the reliefs available to a variety of applicants/situations. Then they will undertake work on procedure by use of case study, including public funding issues.

(l) Session 12: 1 x 3¼ hours SGS

This session will cover the topic of cohabitants. Many issues affecting cohabitants will have been covered earlier in the programme and to this extent the session will be revision. In particular however, the students will be expected to consider the law relating to the resolution of property disputes in the context of an application to court for orders declaring a trust.

(m) Session 13: 1 x 1 hour LGS

This session will be entitled “The first interview”. By means of lecture, for which the students will have been asked to prepare, the tutor will cover the issues that should be discussed at the first interview with a family client. It is considered that such matters cannot be properly identified by the students until they have undertaken the whole of the programme. It also has the advantage of being a good revision vehicle, just prior to the assessment.

8.3.10 Teaching Scheme

Elective: Public Child Care and Housing Law and Practice

(a) Public Child-Care Law

(i) Session 1: 1 x 1 hour LGS

Introduction and overview of the public child-care element of the elective: Introduction to the Children Act 1989, placing the legislation in its historical and social context; s1 principles and the range of orders available under the Act; the concept of parental responsibility; introduction to the Adoption Act 1976 and “freeing for adoption” in particular; and finally an introduction to the Human Rights Act 1998 and its impact upon Public Child Care practice.

(ii) Session 2: 1 x 1 hour LGS

Introduction and overview of the public funding of public child care cases and housing law cases via the new community legal service. The session includes consideration of the new categories of service available, namely, Legal Help, Approved Family Help which comprises Help with Mediation and General Family Help, Investigative Help, and Full and Emergency Representation. Attention is also given to (i) eligibility for assistance, in terms of merits and means testing, and the exemptions that apply in practice; (ii) the operation of the statutory charge.

(iii) Session 3: 1 x 3 hours SGS

Children in Need and Children in Need of Protection

Case Study 1 (Jessica and Sam): Explaining to an unwell, divorced father, the duties of the local authority to provide support for him and his children and the steps that can be taken during his stay in hospital to accommodate his children.

Case Study 2 (Carole Dickson Part 1): Explaining to a local authority social worker his legal duties in respect of an injured child and how he may be able to gain access to see her and have her medically examined.

Case Study 2 (Carole Dickson Part 2): Explaining the procedure for obtaining a court order to prevent a parent removing a child from hospital.

Case Study 2 (Carole Dickson Part 3): Explaining to a local authority social worker the steps that can be taken to search for and recover a missing child and to place the little girl’s brother in foster care.

(iv) Session 4: 1 x 3 hours SGS

Parental Responsibility and Section 8 Orders; The Family Courts and the Rules of Court; the Professionals involved; Costs and Public Funding.

Task: Identifying those with Parental Responsibility

Case Study 3 (Maria and Kirstie): Analysing the distinction between accommodated children and children who are the subject of care orders; considering the meaning of parental responsibility further; and considering the use of prohibited steps orders and specific issue orders.

Case Study 4 (Jamie and Charlotte Sheen): Explaining allocation of proceedings, the role of the children's guardian and how a father in prison can become a party to the proceedings.

Case Study 5 (Jasmine and Jade): In the context of a case of physical abuse where care proceedings have been commenced, identifying the legal issues for the local authority, the children's guardian and the children's solicitor.

Task: Considering public funding options further.

(v) Session 5: 1 x 3 hours SGS

Care Proceedings

Case Study 6 (Katie Sedley Part 1): Advising the local authority social worker on the law (including whether the threshold criteria would be satisfied, how the welfare checklist might be applied) and as to procedure and evidence.

Case Study 6 (Katie Sedley Part 2): Examining the Care Plan, identifying weaknesses in it, and advising the children's guardian as to her legal options at this stage.

Case Study 6 (Katie Sedley Part 3): In the context of an amended Care Plan, advising the local authority social worker on a strategy in respect of the threshold criteria.

(vi) Session 6: 1 x 3 hour SGS

Post Care Proceedings, Care/ Contact Orders, Foster Carers, S38(6) Assessments, Care and Supervision Orders and the Adoption and Children Act 2002

Case Study 6 (Katie Sedley Part 4): Following the making of a Care Order, and improvement in the mother's health, advising (1) the mother of her legal options, entitlement to public funding and the applicable

procedure; (2) the local authority social worker as to the appropriate response to (a) applications made by the mother, (b) the father's request for contact and (c) a proposed application for residence by the foster carers.

Case Study 6 (Katie Sedley Part 5): As a solicitor acting for the foster carers, advising them of the legal methods available to them to make their views known to the Court.

Case Study 7 (Alison Harding): Formulating arguments that may be advanced by the solicitors of a mother who is striving to remain permanently drug-free. Advising the children's guardian as to the distinction between care and supervision orders and as to the more appropriate order in this case.

Task: Discussion of the implications of the Adoption and Children Act 2002

(vii) Session 7: 1 x 3 hour SGS

Practical Exercise; Revision

This workshop consolidates the previous four workshops in the form of a practical exercise which takes the students through an application for an Emergency Protection Order to the first hearing in case proceedings.

Case Study 8 (Tiffany Davis): A drafting exercise to complete Forms C1 and C13 (applications for a care order); a drafting exercise to complete Form C11 followed by a role-play of the local authority solicitor's application for leave to make an ex parte application for an Emergency Protection Order with the Family Proceedings Court Clerk; preparation for advocacy at an Interim Care Hearing; a further role-play to simulate a pre-hearing discussion outside Court between all parties to consider the orders and directions that the Court should be asked to make.

Task: Review of the Public Child Care Course

Revision Task after the Workshop: Students to attempt a revision exercise in their own time, on which they will receive written feedback.

(b) Housing Law and Practice

(viii) Session 8: 1 x 3 hour SGS

- i. Case study: defending possession proceedings on ground of nuisance and annoyance - consideration of available defences for a secure tenant and validity of a notice under s.83 Housing Act 1985.

- ii. Case study: defending possession proceedings on ground of rent arrears and domestic violence - consideration of available defences for a secure tenant and validity of a notice under s.83 Housing Act 1985.

(ix) Session 9: 1 x 3 hour SGS

- i. Case study: ineffective attempt to create assured shorthold tenancy and advice to a tenant-client on possibility of landlord seeking to obtain possession order on Grounds 1 and 10 of Schedule 2 to the Housing Act 1988.
- ii. Case study: completion of a Reply to accelerated possession proceedings in respect of a valid assured shorthold tenancy - consideration of validity of notice under s.21 Housing Act 1988.
- iii. Case study: formulation of advice to an assured (non-shorthold) tenant on receipt of notice under s.8 Housing Act 1988 specifying Ground 8.

(x) Session 10: 1 x 3 hour SGS

This session has two objectives: (a) to introduce students to the introductory tenancy regime under the Housing Act 1996; and (b) to provide an opportunity to consolidate and enhance a variety of the learning outcomes of Sessions 8 and 9.

- i. Case study: advising an introductory tenant on resisting a claim for possession: advising on validity of a notice under s.128 Housing Act 1996; drafting a letter requesting an oral review of the decision to seek eviction; preparing for the review hearing.
- ii. Case study (clinic): Advising an assured tenant as to an application to set aside a possession order obtained on Ground 10.

(xi) Session 11: 1 x 3 hour SGS

- i. Case study: advising client on claim against landlord for disrepair; drafting defence and Part 20 counterclaim to possession proceedings based on Grounds 8, 10 and 11 of Schedule 2 to the Housing Act 1988.
- ii. Case study: formulation of advice to a tenant on possibility of mobilising a local authority into taking action under Housing Act 1985 in respect of premises that are 'unfit for human habitation'.

(xii) Session 12: 1 x 3 hour SGS

Case study dealing with the unlawful eviction of an assured tenant, involving the following tasks:

- i. identifying potential causes of action and remedies for the eviction;

- ii. drafting instructions to a surveyor to advise on the level of damages under s.28 Housing Act 1988;
- iii. drafting particulars of claim for proceedings claiming damages for unlawful eviction.

(xiii) Session 13: 'Take-Home' Review Session

There is a 'take-home' review session for the Housing element of the course, comprising practice tasks comparable with the types of question the students might encounter in the elective examination. Students are provided with a written feedback sheet for this session, and are invited to raise any issues with a tutor at any time before the examination itself.

8.3.11 Teaching Scheme

Elective: Advanced Criminal Litigation

(a) Large Group Sessions (3 x 1 Hour)

- (i) An introduction to the Law Society's Police Station Accreditation Scheme;
Advice and assistance at the police station, using a Critical Incidents Test to demonstrate knowledge and skills required.
- (ii) Police investigations and the disclosure regime.
- (iii) Appeals and the sentencing of youths.

(b) Small Group Sessions

(i) Session 1: 1 x 3¼ hours

The role of the defence lawyer and the initial call to the police station.

Review of self-test questions on the role of the defence lawyer advising at the police station and the police station accreditation scheme.

The initial call to the police station: securing information from the police and client, deciding whether to attend the client in person; giving initial advice to the client.

Attending at the police station: securing information from the custody officer; securing information from the custody record; assertion and negotiation strategies; considering and using the information secured to develop strategy.

(ii) Session 2: 1 x 3¼ hours

Initial attendance at the police station.

Developing skills and strategies for securing information from the investigating officer.

Considering the initial advice to a client at the police station and, in particular, considering whether the client should answer questions during a police interview.

Review of self-test questions on juveniles at the police station.

Considering aspects of the initial contact with, and the initial advice to be given to, a juvenile client

(iii) Session 3: 1 x 3¼ hours

Police bail and the police interview.

Negotiating with a custody officer for bail in respect of a juvenile client, including strategies for securing release of clients, powers to refuse bail and powers to impose conditions.

Review of self-test questions on the conduct of police interviews.

Monitoring and intervening in police interviews, including consideration of appropriate police interview techniques, the role of the defence lawyer in police interviews and skills and strategies for intervention.

(iv) Session 4: 1 x 3¼ hours

Identification procedures, searches, samples and disclosure.

Review of self-test questions on identification procedures, searches, samples and disclosure.

Considering preliminary advice to be given to a client arrested for a serious offence in respect of answering questions in a police interview prior to any identification procedure, consenting to stand on an identification parade, giving intimate samples and partaking in a strip search.

Preparing for an identification parade, negotiating with the identification officer, overseeing the conduct of a parade and advising on a post-parade interview.

Considering prosecution and defence disclosure, the meaning of 'used material', primary prosecution material and defence statements.

(v) Session 5: 1 x 3¼ hours

Preparing a case for trial – part 1.

Analysing the constituent elements of an offence, considering alternative offences, and applying the technique of fact analysis.

Developing a theory of the prosecution case and preparing a prosecution opening address.

Analysing the defence case and developing a theory of the defence case.

(vi) Session 6: 1 x 3¼ hours

Preparing a case for trial – part 2.

Review of self-test questions relating to procedural and evidential issues, including citing of previous convictions and exclusion of evidence.

Detailed consideration of issues relating to mode of trial.

Considering primary prosecution disclosure, the schedule of unused material, further material to be sought; drafting a defence statement.

(vii) Session 7: 1 x 3¼ hours

Preparing a case for trial – part 3

Preparing and presenting a defence closing address.

Considering modes of committal, including s6(1) committals, committal proceedings and obligations arising therefrom, Crown Court procedures and s51 procedures.

Drafting a Crown Court brief.

(viii) Session 8: 1 x 3¼ hours

Appeals

Review of self-test questions examining appeals from the Magistrates Court to the Crown Court, to the Divisional Court by way of case stated and to the High Court for judicial review; appeals from the Crown Court to the Court of Appeal.

Advising clients on merits and avenues of appeal, including identification of evidential and procedural errors.

(ix) Take-Home session to be undertaken over Easter break

Sentencing, with particular reference to road traffic offences and youths.

Self-test questions as regards penalties for road traffic offences.

Preparation of a plea in mitigation for a client convicted of a road traffic offence.

Self-test questions on sentencing of adult offenders.

Self-test questions on sentencing of youths.

(x) Session 9: 1 x 3¼ hours

Review of take-home workshop on sentencing

Presentation of prepared pleas in mitigation.

Review of all self-test questions.

8.3.12 Teaching Scheme

Elective: Private Client (Estate Planning)

(a) Session 1: 1 x 1 hour LGS

Introduction and overview of course. Introduction to Estate Planning.

(b) Session 2 – 1 x 3 ¼ hours SGS

Review of issues from Probate and Revenue core; general principles of IHT, CGT and IT. Succession and administration issues.

(c) Session 3 – 1 x 3 ¼ hours SGS - Tax and Estate Planning (1)

Basic principles of tax and estate planning. Use of exemptions and reliefs.

(d) Session 4 – 1 x 3 ¼ hours SGS - Tax and Estate Planning (2)

Development of issues raised in Session 3, particularly use of lifetime and testamentary trusts.

(e) Session 5 – 1 x 3 ¼ hours SGS

Post death planning. Two year variations. Family Provision.

(f) Directed study over Easter break: 3 hours - Will and Trust Drafting (1)

Practical exercise in simple will drafting.

(g) Session 6 – 1 x 1 hour LGS

Review of Easter directed study

(h) Session 7 – 1 x 3 ¼ hours SGS - Will and trust drafting (2)

Taking instructions (involving role play interview); appointment of executors, trustees and guardians; legacies; residuary clauses; administrative provisions.

(i) Session 8 – 1 x 3 ¼ hours SGS - Will and trust drafting (3)

Developing issues introduced in workshop 7. Drafting of more complex trust provisions particularly in wills.

(j) Session 9 – 1 x 3 ¼ hours SGS

Problems of capacity of settlor/testator or beneficiary. Enduring Powers of Attorney. Living Wills.

(k) Session 10 – 1 x 3 ¼ hours SGS

The elderly and residential care issues; outline of relevant welfare benefits and of community care and services; assessment of charges for residential care; gifting of property and implications for future liability to pay for long term care.

(l) Session 11 – 1 x 3 ¼ hours SGS

Overall review of course and revision clinic

8.3.13 Teaching Scheme

Elective: Local Government Law

(a) Workshop 1: 1 x 3 ¼ hours

This workshop will introduce students to the different types of Local Authority; the role of political groups. The role of members versus officers in decision making. The Standing Orders of Brigstowe, and the scheme of delegations, will be the basis of future workshops and will be the subject of practical examples. Members' interest and the rights to information of members and the public will be the subject also of further work examples. The traditional system and its faults will be the subject of a moot based upon white papers.

(b) Workshop 2: 1 x 3 ¼ hours

The workshop will consider the different statutory officers. Students will prepare reports on the basis of Standing Orders and consider the constraints on political publicity. The protocol on member/officer relationship will allow the tensions in the work of some of the legal section to be explored.

(c) Workshop 3: 1 x 3 ¼ hours

Standards expected of members will be considered via Nolan, and the Local Government Act 2000 and the Code of Conduct for Members from Brigstowe. The Local Government Act and Guidance will be used to analyse the Standing Order for Brigstowe to give students a practical insight. The role and function of the Standard Board will be considered.

(d) Workshop 4: 1 x 3 ¼ hours

The underlying principles of the modernising agenda will be considered. The Constitution will be analysed as a practical guide to proper decision making.

(e) Directed study (to be reviewed in Workshop 5)

Students will be required to attend at a council meeting, formal executive or scrutiny committee meeting, and analyse the role of a Local Authority solicitor.

(f) Workshop 5

A review of the directed study will enable the first 4 workshops to be placed in context. This workshop will consider practical examples of the role of a Local Authority solicitor.

(g) Workshop 6: 1 x 3 ¼ hours

The financing of Local Authorities and its controls will be the subject of this workshop. The challenges to decision making will be introduced by worked examples from the Ombudsman and considering the role and remit of external audit.

(h) Workshop 7: 1 x 3 ¼ hours

The workshop will focus on the duty of best value, the contracting obligation imposed by European legislation and the limitations opposed by the Local Government Goods and Services Act. Students will have an insight into the constraints imposed on authorities as a whole and on the role of a lawyer within Local Government.

(i) Workshops 8 and 9

Over the two workshop sessions the practical situations posed will enable students to recognise and evaluate the challenges to decision making which daily confront Local Authorities. Particular emphasis will be placed on challenges through the Courts and in particular Judicial Review. Students will obtain a good grounding in the effects of the Human Rights Act on public authorities such as Local Government and will be expected through worked examples to recognise where challenges would occur and how their role in sound decision making could prevent such challenges or succeed in defending them.

(j) Workshop 10

Through a worked complex example students will have an insight into how Local Authority functions inter-relate with each other and with outside organisations and bodies. A topical example will be used which will pull in the functions of housing, social services, education. Students will, from the facts provided to them, make recommendations for a course of action bearing in mind the political, social and publicity factors.

8.3.14 Teaching Scheme**Elective: Charities in the Not-for-Profit Sector****a) Session 1 LGS: 1hr**

Introduction and overview of Charity Law and its relationship to the Not For Profit sector as a whole. The historical perspective and development of the law in the light of current proposals. The scope and context of the course.

b) Session 2: SGS - Regulation of Charities 3.25 hrs

As part of their preparation and during this workshop the students will be introduced to the ongoing case study - development of a specific, named charity, from its inception and original registration, its growth and the implications of this for trustees and managers and the changes that this growth necessitates.

They will also look at the regulatory framework in which charities operate and will consider the following:

Legislation - 1960 Act
1992 Act
1993 Act

The Charity Commission
legal constitution
role
organisation
powers

Exempt and Excepted Charities

c) Session 3: SGS - Setting Up & Registering a Charity (1) 3.25 hrs

This workshop will look at the principal steps which need to be considered when a new charity is to be set-up and registered at the Charity Commission:

Charitable objects - what is the purpose of the charity?

Legal structures - unincorporated association / trust / company limited by guarantee

- Royal charter / Industrial & Provident Society / Friendly Society

Governing documents - form / contents

Students will use the case-study charity to examine all the above in detail and will compare with other charities and model documents. The proposed new *Charitable Incorporated Organisation* will be looked at, as will the future alternative of becoming a *Community Interest Company*.

d) Session 4: SGS - Setting Up & Registering a Charity (2) 3.25 hrs

Workshop 4 continues the process of establishing a charitable body. The students will advise a client on the most appropriate structure for a new organisation and will investigate and report on:

- How to choose the most appropriate structure and governing document
- Practical considerations for new charities, including internal structures to ensure compliance and aid the smooth running of the organisation., and how to select and appoint trustees.
- The registration process - completing the forms, applying to Charity Commission. Working in small groups the students will complete APP1 and DEC1 forms for the case-study charity

e) Session 5: SGS - Trustees 3.25hrs

In this workshop the focus will be on the role of trustees in charitable organisations of various sizes. Students will review and revise their knowledge and understanding of:

- Trusts and trusteeship, charity trustees
- Duties, responsibilities and powers of trustees
- Liability and incorporation under 1993 Act
- Trustee Act 1925 and 2000
- Conflicts of interest for charity trustees

They will then consider the practical application of these principles and advise a client on various issues which have arisen in relation to the behaviour of trustees. Charity Commission booklets and guidance will be used, along with legislation.

f) Session 6: SGS - Fundraising 3.25hrs

Fundraising is a central activity for the majority of charities. It is governed by a wide range of legislation and regulation and in this workshop students will get an overview of the area and an understanding of the complexity of the field.

They will look at the following:

- 1992 Act - professional fundraisers and commercial participators
- Appeals and events
- Lotteries, raffles and gaming
- Events
- Commercial contracts
- Data protection issues
- Fundraising online

And will study one or two topics in more detail.

g) Session 7: SGS - Running a Charity - the law (1) 3.25hrs

The legal advice needed by charities is that required by any business with the added regulation required by the Charity Commission and by specific legislation. The internal structure of the charity will determine the allocation of roles and responsibilities within the organisation. This workshop will cover:

- Annual returns, accounts and the SORP 2000
- Trading by charities and Taxation
- Internal structure and function, the role of trustees, use of charitable assets
- Charities as businesses - governance and management issues
- An overview of other regulation - employment
 - health and safety
 - data protection
 - company
 - Human Rights

The case study charity will be used to illustrate how one charity allocates responsibility for these issues and will be compared with a large national/international charity.

h) Session 8: SGS - Running a Charity - the law (2) 3.25hrs

The second workshop dealing with the legal aspects of running a charity will cover charity property and will deal with:

- powers of trustees, TOLATA 1996
- Part V Charities Act 1993
- Land Registry regulation
- Use of charity land
 - letting out and licensing use of premises, including licences to subsidiary trading companies
 - in accordance with governing instrument
 - permanent endowment

i) Session 9: SGS - Development of the Charitable and Not-for-Profit Sector 3.25hrs

Students will prepare for this workshop by studying the Strategy Unit paper and responses to it from various bodies (and/or any updates or proposals which are published in the interim).

The workshop itself will include short presentations by outside speakers from one or two of : solicitors practising in the field, the Charity Commission, the Charity Law Association, a charity, a not-for-profit/non-charitable organisation. A panel session for questions and answers will follow.

j) Session 10: SGS - The Charity Client - a case study 3.25hrs

Students will be given a scenario in which a charity client needs multi-faceted advice. Working in small groups they will be asked to give both written and oral advice.

Possible scenarios:

- incorporation of a trust or association with the aim of giving the trustees a degree of limited liability
- a proposed merger between two charities
- a request from a board of trustee directors for their Memorandum & Articles of Association to be updated
- trustees wishing to sell land
- the manager of a charity wishing to make more money by letting out premises and running a shop
- a review visit by the Charity Commission

The aim of this workshop is to:

- bring together the different strands of the course
- allow students to select and work on one or two aspects of charity law and give detailed advice
- provide an opportunity for students to practice letter writing and advising skills
- give students a practical and 'from practice' problem to solve

k) Session 11: LGS 1hr

A revision / summing up lecture which will pick up any strands or issues raised during the course. Will provide an overview and conclusion to the elective.

1) Session 12: Directed study over Easter break

3.25hrs

Students will select a charity of their choice and will complete a written report on this charity. The report will be based on a number of set criteria.

8.3.15 Teaching Scheme**Elective: Personal Injury & Clinical Negligence**

- | | | |
|-----------|---|-----------------|
| a) | Session 1: LGS | 1 hr |
| | An introduction to personal injury and clinical negligence litigation and liability. | |
| b) | Session 2: SGS | 3.25 hrs |
| | Introduction to Personal Injury and Clinical Negligence.
An overview of the course and differences in PI CN practice.
An investigation of the current climate and recent developments.
Introduction to the use of medical terms.
Liability – Researching and understanding the basis of liability in a PI (employers liability) case. | |
| c) | Session 3: SGS | 3.25 hrs |
| | Advising the client as to liability in PI. What you need to prove your case. Understanding and advising on the basis of liability in a CN case.
Advising on a consent issue in a CN case. | |
| d) | Session 4: LGS | 1 hr |
| | Initial Steps | |
| e) | Session 5: SGS | 3.25 hrs |
| | Funding your case, calculating a CFA risk assessment in PI.
Consequences of being a non funded Defendant in a CN case.
Advising your practice and clients.
Alternatives to litigation and advising your clients on the NHS complaints procedure, ADR and mediation. | |
| f) | Session 6: SGS | 3.25 hrs |
| | Initial investigations.
Preparations for, and interviewing a personal injury client
Relationship with your client and initial steps as a defendant CN solicitor.
Pre-action protocol in CN cases, drafting a letter of claim.
Disclosure of medical records in CN. | |

- g) Session 7: SGS 3.25 hrs**
- Limitation in CN, date of knowledge etc.
Creating a proof of evidence from interview notes.
Looking at CPR 32 and requirements of lay evidence
Lay witnesses in CN cases.
- h) Session 8: SGS 3.25 hrs**
- Pre-commencement and commencement steps
Disclosure
The Compensation Recovery Unit
Issuing proceedings.
Analysis of a Particulars of Claim and drafting a defence
- i) Session 9: LGS 1 hr**
- Choosing and instructing experts and counsel
- j) Session 10: SGS 1 hr**
- How to choose your expert and draft instructions.
Consideration of CPR 35
What to do with your experts report
How and when to use counsel.
Factors to consider when choosing counsel
How to draft instructions to counsel
- k) Session 11: SGS 1 hr**
- Damages
- l) Session 12: SGS 3.25 hrs**
- Quantification and updating of both Special damages and
General damages claims
Analysing schedules and counter schedules of loss
The advantages and disadvantages of structured settlements
- m) Session 13: SGS 3.25 hrs**
- Case Management and Trial
Interim application for provisional damages
Negotiation during the case and pre trial
Preparation for trial
The trial
Revision

n) Session 14: Directed Study over Easter Break 3.25 hrs

Students will be given a directed study task on the solicitors role in the Coroners Court and other post death inquiries.

9 Assessment Strategy and Assessment Regulations

9.1 Assessment Strategy for the Full and Part Time Courses

Each student will be assessed/examined in:

- 9.1.1 The three compulsory areas of Business Law & Practice, Litigation and Property Law & Practice by way of unseen, open or closed book written examinations;
- 9.1.2 The three electives by way of unseen, open book written examinations;
- 9.1.3 The core areas of Solicitors' Accounts and Business Accounts by way of unseen, closed book written examinations;
- 9.1.4 The pervasive area of Professional Conduct (including Financial Services) by way of unseen, open or closed book written examinations;
- 9.1.5 The core area legal skills by way of a variety of exercises.

[NOTE: There will be no separate assessment of the core/pervasive areas of European Law, Revenue Law and Human Rights although these areas will be covered in examinations where appropriate].

9.2 Business Law & Practice, Litigation and Property Law & Practice

- Business Law & Practice: One or two unseen, open or closed book examinations.
- Litigation: Two unseen, open or closed book examinations (Civil Litigation & Criminal Litigation).
- Property Law & Practice: One or two unseen, open or closed book examinations.

[Note: Although examination questions will be 'unseen', some examinations will involve the use of advance facts].

[Note: In addition to the time periods referred to, reading time of up to 30 minutes may be allocated to the above examinations].

[Note: Students will be expected to achieve the prescribed pass mark in each of the examinations (where there are two papers they will form one examination for these purposes)].

9.3 The Three Electives

- Generally, each elective will be assessed by means of one unseen, open book examination of three hours' duration.

[NOTE: Although examination questions will be 'unseen', some examinations may involve the use of advance facts].

[NOTE: Reading time of up to 30 minutes may be allocated to the above examinations].

[NOTE: Students will be expected to achieve the prescribed pass mark in each of the examinations].

9.4 Solicitors' Accounts and Business Accounts

- Solicitors' Accounts will be assessed on a 'competent/not competent' basis by means of one unseen, closed book written examination of two hours' duration. Students will be permitted to take a calculator and a clean copy of the Solicitors' Accounts Rules into the examination room.
- Business Accounts will be assessed on a 'competent/not competent' basis by means of one unseen, closed book written examination of one and a half hours' duration. Students will be permitted to take a calculator into the examination room.

[NOTE: Students will be expected to achieve a 'competent' rating in each of the Accounts examinations].

9.5 Professional Conduct (including Financial Services)

- Professional conduct (including Financial Services) will be assessed on a 'competent/not competent' basis.
- There will be at least four assessment points contained in any of the compulsory area examinations, the Accounts examinations and/or the skills assessments.

[NOTE: Students will be expected to achieve a rating of 'competent' overall in professional conduct/financial services].

9.6 The Legal Skills

- All legal skills will be assessed on a 'competent/not competent' basis.
- There will be two written assessments in Practical Legal Research (one in the autumn term and one in the spring term); these assessments will be set in any legal context.

- There will be two written assessments in legal writing/drafting; both will be set in the context of any compulsory subject or any other area of law.
- There will be one role play assessment in interviewing in the context of the core area of probate and administration of estates or any compulsory subject.
- There will be one role play assessment in advocacy in the context of either Civil or Criminal Litigation.

[NOTE: Students will be expected to achieve a rating of ‘competent’ in each of the six legal assessments].

9.7 Assessment Regulations and Skills Assessment Criteria

Regulations and Criteria for both the full time and part time courses are set out in Appendix B.

9.8 LPC Assessment Scrutiny Committee

All LPC assessments are subject to scrutiny by this committee. The committee comprises representatives from subject teams and is chaired by the LPC Associate Course Director (Assessments). The broad aim of the committee is to ensure consistency of approach and standards across the various LPC subject areas. In addition to internal scrutiny, all assessments are reviewed by the relevant LPC external examiner for comments and approval.

10. Admissions Policy

10.1 Prerequisites

In accordance with the Law Society's Training Regulations, in order to be admitted onto the Legal Practice Course a student must hold:

- 10.1.1 a current Certificate of Enrolment as a student member of the Law Society; and
- 10.1.2 a current Certificate of Completion of the Academic Stage of Training.

Whether or not a student satisfies the criteria for the issue of these certificates shall be a matter for the Law Society and not for UWE. Further, it shall be the responsibility of the student and not UWE to obtain both certificates from the Law Society.

10.2 Admissions Policy

In determining whether or not to offer a place on the Faculty's Legal Practice Course, the factors to be taken into account shall include:

- 10.2.1 The applicant's academic record; and
- 10.2.2 The applicant's apparent suitability for the course and commitment to the idea of qualifying as a solicitor; and
- 10.2.3 Prior study in the Faculty by the applicant; and
- 10.2.4 Financial or other constraints governing the applicant's choice of institution

[NOTE: The admissions policy as it applies to disabled students is detailed in section 11 (Pastoral Care) below].

10.3 Admissions Procedures

10.3.1 Full-Time Course

Applications for a place on the Faculty's full-time course must be made to the Central Applications Board. This is an independent organisation established by the Law Society to provide a 'clearing house' system for all Legal Practice Courses.

10.3.2 Part-Time Course

Applications for a place on the Faculty's part-time course are made directly to the admissions tutor for the part-time (Open Learning) LPC, using the UWE Application Form for Postgraduate and/or professional study.

Note: In accordance with the admissions policy of the University, equality of opportunity applies in the case of each applicant.

11. Pastoral Care, Careers and Strategy for Students with Disabilities

11.1 Pastoral Care

The system of pastoral care on the course has been noted by the LPC assessors as one of the features of excellence. The system aims to provide, as far as is possible in a teaching institution, the kind of support that may be offered to a trainee solicitor in practice.

11.1.1 Full Time Course

- (a) Each student is allocated to a 'Supervising Principal' ('SP') who is a core member of the LPC teaching team. The SP operates an 'open door' policy of student support and feedback during the academic year;
- (b) Each student is given an interview appointment of about 10 - 15 minutes with the SP at the commencement of the course;
- (c) At the halfway stage of the autumn term compulsory teaching block, each workshop group of students will meet with their SP and the subject tutors for the compulsory subjects being undertaken at that time. The meeting takes the form of a buffet lunch. In this semi-informal forum, staff and students are encouraged to discuss queries of an academic nature arising on the course. An agenda is circulated for the meeting. A note is made of the meeting, which is submitted to the Associate Director responsible for quality assurance on the LPC. He reviews the comments of the groups and refers any particular matters of concern to subject groups or managers of the course for comment and where necessary, action. Students can request an individual interview with the SP at this stage of the course if they feel it is required. A synopsis of the results of the meetings is now posted on the website;
- (d) In the early part of the spring term, students will have one to one formal interviews with the SP to reflect on their performances during the autumn term. Students are asked to complete a questionnaire about the type of firm they wished to train with or had secured a contract with.
- (e) The lunch with the SP and compulsory block subject tutors (described at paragraph (c) above) is repeated during the spring term for subjects being undertaken at that time;
- (f) The formal one to one interviews with the SP (described at paragraph (d) above) are repeated at the beginning of the summer term to reflect on spring term assessments and general performance. A questionnaire relating to the compulsory block of subjects is completed.

- (g) Social events are organised by the staff and students. An introductory lunch is organised at the beginning of the course in September, a student ball is organised by the students at a Bristol hotel during the spring or summer term and the lecturers organise a summer party for the students in the summer term; and
- (h) the SP is available for general student support (students may be referred to the relevant student union welfare agency depending upon the nature of the problem) and ad-hoc advice in relation to careers (see below, paragraph 11.2).

11.1.2 Part-Time Course

- (a) Each student is allocated to a 'Supervising Principal' ('SP') who is a core member of the LPC teaching team. The SP operates an 'open door' policy of student support and feedback during the academic year. Students are also notified of periods during study sessions when their SPs will be available to deal with queries;
- (b) In addition to the buffet lunches which are organised for part-time students (see above), SPs and other subject tutors regularly dine with part-time students on weekday evenings and Saturday lunchtimes during teaching sessions. Staff and students are encouraged to discuss academic and other queries arising on the course. Students can request an individual interview with the SP at any stage of the course if they feel it is required;
- (c) At intervals throughout the course, students will have meetings with their SP taking the form of a buffet lunch that replicates the regime on the Full Time course described at 11.1.1(c). Students are also asked to complete questionnaires relating to the compulsory subjects and core areas as well as the pastoral care system;
- (d) Where dates coincide, part-time students are invited to social events organised by and for full-time students. In addition, an annual Christmas party is organised for the benefit of part-time students; and
- (e) The SP is available for general student support (students may be referred to the relevant student union welfare agency depending upon the nature of the problem) and ad-hoc advice in relation to careers (see below, paragraph 11.2). The Course Director, Associate Course Director and the Course Administrator regularly deal with students' problems and enquiries over the telephone or via e-mail outside of the teaching sessions.

NOTE: In order to assist in the provision of effective student feedback, students are provided with detailed feedback sheets for coursework and skills assessment. These feedback sheets are discussed with the SP at the formal one to one interviews. In addition, any student who fails a piece of coursework or a skills assessment is

entitled to one to one feedback from the appropriate marker/moderator. Students are given details of specific dates on, or weeks during, which these results will be returned to them and confidentiality is maintained by returning the results in sealed envelopes.

NOTE: Provisional examination results for the compulsory subjects and the two Accounts examinations are distributed to students once these are confirmed by the appropriate external examiners. The students are warned that these results are subject to confirmation or adjustment by the July Examining Board. Students are provided with a general note about 'good' and 'bad' points on student answers to the written examinations.

11.2 Careers

- (a) In the first week of the programme a careers panel is held at which staff give guidance on: sources of careers information and support; preparation of CVs, application forms and covering letters; and interview skills. This is followed by a question and answer session.
- (b) In the first term, a further LGS is provided in which a recruitment partner (this year, Simon Hegarty of CMS Cameron McKenna) gives a presentation on what recruiters are looking for in candidates.
- (c) Many students take the opportunity to go to the Bristol Law Fair and the UWE Careers Service holds a Law Fair preparation session the week before the Fair.
- (d) A further careers panel is held later in the autumn term to give students the opportunity to put questions on a career as a solicitor to invited speakers. This year the panel included solicitors and trainees from private practice, graduate recruiters and a recruitment consultant.
- (e) In the spring term, a further LGS is provided to give guidance to students who are still looking for a training contract. This covers finding vacancies, interviews and paralegal work.
- (f) In addition, students are offered regular advisory sessions organised by the Careers Service and a number of law firms are invited to give presentations to students.
- (g) All students are given a bespoke Careers booklet which includes a wide range of advice on training contracts and the application and interview process.
- (h) As well as the Supervising Principal pastoral care system (open door and specific appointments), certain LPC tutors are designated as specific careers advisors, with whom students can book appointments for guidance on CVs, application forms, interviews and general careers advice.

- (i) The Careers Service is in the early stages of setting up a scheme to widen access to the professions generally. It is starting to sign up employers (including law firms) to offer work experience to students who would not otherwise have had this opportunity. The aim is to improve these students' employment prospects by helping them to develop knowledge, skills and confidence.

11.3 Strategy for students with disabilities

The strategy for students with disabilities is attached at Appendix C (together with all supporting documentation). The strategy has been implemented in full with effect from the academic year 2001/02.

Whilst Learning Strategies are put into place at the commencement of the course with those students who declare a disability on their application form, more support may need to be given. The team is aware that different methods of teaching and possibly assessment may have to be considered in due course. The team is willing to learn about developments in this area and is aware that additional resources may have to be made available to students who require support.

The full time Course Director recently attended the session organised by the Law Society on SENDA and the DDA which was very informative. One member of the team is to attend a conference on teaching students who are blind or partially sighted in anticipation of assisting students who come onto the course and who are partially sighted.

12. Staffing

12.1 Permanent Staff

Full curriculum vitae are to be found in Appendix D. A list of staff teaching on the LPC (indicating where fractional posts) is set out below.

Sophie Armstrong (barrister) (0.5)
David Aspinall (solicitor)
Elizabeth Beckerlegge (barrister)
Catharine Biggs (solicitor)
Sharon Chauhan (solicitor)
Maurice Cook (solicitor)
Alan Coulthard (solicitor)
Carol Crowdy (solicitor)
Paulene Denyer (solicitor)
Steven Dinning (solicitor)
Philip Doble (solicitor)
Roy Douglas (solicitor) (0.7)
Julie Edworthy (solicitor)
Christina Gorzkiewicz (solicitor)
Margaret Harris (solicitor)
Stephen Higgins (solicitor)
Nick Holden (solicitor)
James Holland (barrister)
Susan Holland (solicitor)
Kerry James (solicitor)
Ceri Jennings (solicitor)
Diana Johnson (solicitor)
Frances Keefe (solicitor)
Shoman Khan (solicitor)
Marcus Keppel-Palmer (solicitor)
Jane MacFarlane (solicitor) (0.5)
George Miles (solicitor) (0.5)
Phillip Millington (solicitor) (wef January 2004)
Karen Mumgaard (solicitor) (0.6)
Suzaan Qurashi (solicitor)
Benjamin Reeves (solicitor)
Paul Rylance (solicitor)
Kirsten Scammell (solicitor)
Sarah Smith (solicitor) (0.5)
Dagmar Steffans (solicitor)
Wendy Swinscoe (solicitor)
Jonathan Tecks (barrister)
Sara Waite (solicitor)
Emma Whewell (solicitor)
Anne Wilkinson (solicitor)
Peter Williams (solicitor)
Rachel Wood (solicitor)
Rhiannon Wynn-Jones (solicitor)

12.2 Table of Staff Teaching Areas and Responsibilities

12.2.1 Subject Teams

Subject

Legal Skills (Introductory)	Emma Whewell (skills and pervasives co-ordinator) David Aspinall Cathy Biggs Sharon Chauhan Maurice Cook Carol Crowdy Philip Doble Roy Douglas Margaret Harris Ceri Jennings Frances Keefe Karen Mumgaard Suzaan Qurashi Kirsten Scammell Sarah Smith Dagmar Steffans Wendy Swinscoe Sara Waite Peter Williams Rhiannon Wynn-Jones
Professional Conduct	Susan Holland (subject leader) David Aspinall Christina Gorzkiewicz Jane MacFarlane Rachel Wood
Financial Services	Marcus Keppel-Palmer (subject leader) Sharon Chauhan Diana Johnson Dagmar Steffans Wendy Swinscoe
European Law	Taught in BLP
Revenue Law	George Miles (subject leader) Paulene Denyer Julie Edworthy Jane MacFarlane Suzaan Qurashi Anne Wilkinson

Probate	Julie Edworthy (subject leader) Paulene Denyer Margaret Harris Jane Macfarlane George Miles Suzaan Qurashi Anne Wilkinson
Solicitors' Accounts	Julie Edworthy (subject leader) Maurice Cook Paulene Denyer George Miles
Business Accounts	As BLP below
Business Law & Practice	Wendy Swinscoe (subject leader) Catharine Biggs Sharon Chauhan Steven Dinning Philip Doble Gillian Ford Mark Furber Christina Gorzkiewicz Vivien Gregory Margaret Harris Ceri Jennings Diana Johnson Phillip Millington Karen Mumgaard Benjamin Reeves Dagmar Steffans
Civil Litigation	Susan Holland (subject leader) Kerry James Frances Keefe Sarah Smith Sara Waite Emma Whewell Rachel Wood
Criminal Litigation	Roy Douglas (subject leader) Elizabeth Beckerlegge Philip Doble Frances Keefe Shoman Khan Kirsten Scammell

Property Law & Practice

Peter Williams (subject leader)
David Aspinall
Maurice Cook
Jane MacFarlane
Suzaan Qurashi
Anne Wilkinson
Rhiannon Wynn-Jones

Electives

Acquisitions & Mergers	Sharon Chauhan (subject leader)
Advanced Criminal Litigation	Roy Douglas (subject leader)
Banking & Capital Markets	Cathy Biggs (acting subject leader)
Commercial Law	Christina Gorzkiewicz (subject leader)
Com Litigation & Dispute Resolution	Susan Holland (subject leader)
Commercial Property	Stephen Higgins (subject leader)
Corporate Finance	Steven Dinning (subject leader)
Employment Law	Rachel Wood (acting subject leader)
Family Breakdown	Carol Crowdy (subject leader)
Local Government Law	TBA (subject leader)
Media & Entertainment Law	Marcus Keppel-Palmer (subject leader)
Private Client (Estate Planning)	Anne Wilkinson (subject leader)
Public Childcare & Housing Law	Emma Whewell (subject leader)
Charities & the Not-For-Profit Sector	Jane MacFarlane (subject leader)
Personal Injury & Clinical Negligence	Kirsten Scammell (subject leader)

12.2.2 Supervising Principals

(a) Full time course

Liz Beckerlegge
Catharine Biggs
Sharon Chauhan
Paulene Denyer
Christina Gorzkiewicz
Frances Keefe
Shomon Khan
Susan Holland
Ceri Jennings
Marcus Keppel-Palmer
Suzaan Qurashi
Kirsten Scammell
Dagmar Steffens
Sara Waite/Phillip Millington
Emma Whewell
Peter Williams
Rachel Wood
Rhiannon Wynn-Jones

(b) Part time course

David Aspinall
 Philip Doble
 Julie Edworthy
 Margaret Harris
 Kerry James
 Diana Johnson
 Ben Reeves
 Wendy Swinscoe

12.3 Staff Student Ratio

As a minimum, we undertake to maintain a staff student ratio below 1:12. In recent years our SSR has been in the region of 1:11.7. We aim to maintain this standard despite our continued increase in student demand and intake.

12.4 Administrative Support Staff

Timetabling	Geoff Cole
Budget	Claire Ebdon
Fees / Examination Board Management	Esther Williams
Professional Studies Administrator	Susan Lee
Quality Assurance and Admissions	Lesley Bond
Assessments	Luke Champion
General Course Administrator (Full time)	Dorothy James
General Course Administrator (Part time)	Katherine Lacey

12.5 Technical Support

Information & Communication Technology Consultant	Neil Weston
Technician	Mark Forrest
Information & Communication Technology Officer / Demonstrator	Post Vacant / to be filled

12.6 Visiting Lecturers

We currently make use of the following pool of experienced LPC Visiting Lecturers:

Sarah Coldrick	Public Child Care & Housing Law
Ruth Davies	Civil Litigation
Gillian Ford	BLP
Mark Furber	BLP, Business Accounts, Commercial Law
Geraldine Gee	Local Government
Vivien Gregory	BLP, Business Accounts, Commercial Law
Claudia Lank	Public Child Care & Housing Law
Steve McNamara	Local Government
Colin Paul	Banking and Capital Markets
Clare Rands	Employment
John Thurston	Revenue, Probate

This pool is continuously reviewed and supplemented as operational needs dictate.

13. Staff Development Policy

13.1 Staff Development Policy and Strategy

13.1.1 University Policy

Our staff development policy is guided by our Universities' general commitment to the continued and systematic provision of training and development of all teaching staff. Key features of this commitment include mentoring systems, probation and appraisal. Details of the University wide scheme are contained at Appendix E. In September 2001 the University published an additional policy statement called "The UWE Academic", a copy of which is contained in Appendix F. This introduced the concept of the "teacher academic" and crucially to the Institute, the "teacher practitioner". In turn, the Faculty published a more focused paper on how these two concepts should be applied to the two departments within the Faculty. The approach of the School of Law responded to the expectations of the "teacher academic" profile. The Institute responded to the expectations of the "teacher practitioner" profile and is also set out in Appendix F. It is clear that the University recognises the "teacher practitioner" and supports policies that promote (and require) continued exposure to current professional practice. This underpins our confirmed progress towards a systematic and LPC focused approach to professional staff development.

13.1.2 LPC Staff Development Strategy

The LPC staff development strategy aims:

- (a) To require newly appointed members of staff who have no or limited teaching experience to complete the University's professional development programme. On completion staff are encouraged to proceed to obtain a postgraduate certificate in higher education;
- (b) To develop, in both existing and new members of staff who are unfamiliar with them, a high level of competence to deal with the demands of a skills based course in vocational legal education;
- (c) To introduce practitioners contributing to the design and delivery of the course, basic principles of educational design and assessment;
- (d) To ensure the dissemination of best teaching practice; and
- (e) To promote the individual professional development of all those contributing to the LPC and to ensure, as a consequence, the dissemination of current best professional practice within the LPC team.

13.2 Staff Development Generally

13.2.1 The Faculty proposes to continue and (in the light of the developments in University Policy referred to above) develop its successful staff development policy which has allowed and encouraged LPC staff (along with other Faculty members) to engage in a wide range of activities with the primary objects of promoting individual development and enhancement of teaching and learning. Such activities have enabled staff to keep up to date with practice and to expand and deepen their knowledge of the substantive and procedural aspects of law relevant to their teaching.

13.2.2 It is clear from the University's policy statement that what was previously encouraged has become an expectation. This is assisted by the establishment of a budget (in addition to and separate from the Faculty provision) to specifically cater to the needs of professionally qualified staff.

13.3 Professional Development

13.3.1 Staff located in the Bristol Institute of Legal Practice are expected to conform to the University's teacher/practitioner profile. This involves a commitment to engage in activities that support professional course development and delivery and lead to a genuinely scholarly contribution to the development of professional legal practice.

13.3.2 A flexible approach is appropriate but activities will normally fall into four categories:

A Practice

- Carrying on practice on a limited basis (and approved by the Faculty) as a solicitor or barrister;
- Providing legal services on a pro bono basis through The Bristol Institute of Legal Practice's Legal Advice and Representation Service or otherwise (as approved);
- Sitting as a Judge or tribunal member (as approved);
- Marshalling with a Judge or other judicial postholder;
- Shadowing a practising solicitor or barrister; and
- Providing consultancy services to the legal profession through The Bristol Institute of Legal Practice (or through approved independent consultancy).

B Serving Professional Bodies

- Acting as External Examiner, Validation/Monitoring Panel Member, or Advisor (on a consultancy or secondment basis) to The Law Society, The Bar Council or other relevant professional or regulatory body; and
- Sitting as member of a committee or working party of professional or regulatory body.

C Applied Research and Publication

- Applied Research in relation to the professions and/or professional practice;
- Publication in professional journals (or referred academic journals), practitioner works and textbooks concerned with legal practice; and
- Applied research/publication in relation to the teaching of legal practitioner skills, professional and ethics.

D CPD, Professional Support and related work

- Taking part in short courses, conferences and CPD for the legal professional through The Bristol Institute of Legal Practice, Faculty of Law or the University or (provided it is approved as not being in conflict with the activities of the Faculty) independently;
- Acting as an (approved) in-house training manager and/or professional support lawyer; and
- Supervising (in conjunction with a practitioner supervisor) portfolios submitted in connection with the Faculty's Advanced Legal Practice programmes.

13.4 Individual Support**13.4.1 Peer Observation**

This involves observation and assessment of teaching skills. There is one to one feedback between the observer and tutor following each teaching session. This process is also used to assist in the integration of visiting lecturers into the methods of delivery used on the course.

13.4.2 Staff Appraisal and Development Scheme

All members of staff are appraised by a senior member of the Institute. The complete appraisal cycle operates over two years, but all appraisees meet their appraiser once a year. Great emphasis is placed on assisting individuals with their own development. There is an evaluation of areas of strength and also

attempts to identify where assistance is needed. Development needs are identified as are professional aspirations.

13.4.2 Tutor Instructions

Detailed tutor instructions have been produced for each LPC workshop exercise throughout the course. These are constantly being revised. These assist in promoting consistency in delivery within subject areas and across the curriculum. This is done in conjunction with regular subject team meetings. Care is taken to ensure that this is done in a way that will not inhibit the variety of practical experience possessed by the LPC teaching teams.

13.4.3 Annual Return on Staff Development

A revised scheme was introduced for all staff in 2002/2003. Each member of staff maintains a staff development file including completion of an annual return recording and assessing individual staff development activities. The scheme has two objectives. Firstly, it enables course management to 'capture' historical information, plan future activity and manage the dedicated staff development budget. Secondly, through the publication of guidance notes staff are given clear instructions on the range of development activities which are encouraged. In particular, clear procedures have been published for attendance on external courses and conferences. There is currently a 'green form' and a 'blue form' booking scheme. The green form scheme enables all staff to attend at least two CPD courses offered by a major commercial provider.

13.5 Staff Development Events 2002/2003

Examples of recent staff development activities include: the provision of/attendance at conferences, courses and talks; practice, consultancy and other practice related activity; research and publication; external examining, membership of relevant panels and other associated activities. Three staff development days (December 2003, March 2004 and June 2004) have been finalised. A further Faculty based day is also planned for June 2004.

14. LPC Resources: Accommodation and Equipment

Apart from the University's lecture theatres used by the LPC there are 22 rooms devoted to the LPC: 18 designated group workshop rooms, a resource room, a fully operational mock court room (shared with BVC), and an assessment studio, and a further small court-room (shared with the BVC).

14.1 Group workshop rooms

Approximately 80% of tuition is delivered to the students in their **own** specific workshop room. Thus, when no workshop is taking place, the relevant student groups have exclusive use of their room for the purposes of private study, taking advantage of relevant AV/IT equipment, and use of their mini-library. This particular feature of our LPC has been shown to work extremely well. Unlike many other courses, at UWE, rooms with video-recording equipment are always available for the purposes of practising advocacy and interviewing skills. Moreover, students have close access to the resource room, as well as computers and mini-libraries in their rooms, all enhancing the overall educational learning environment for students.

14.2 Workshop Room Equipment

Each LPC room is networked and contains 4 PCs, all queued to a laser printer. The computers can be used for all windows-based applications, including access to Electronic Law Reports through the Netscape facility as well as enabling a multitude of other applications and uses. Each room also contains: a Television and Video Recorder, thereby providing playback facilities for any informal or formal skills' practicals, an OHP with screen, a ceiling-fitted projector for powerpoint presentations, and a set of pigeonholes for ease of communication with each student.

14.3 Workshop Room Mini-Practice Libraries

Each room contains a mini-practice library including copies of relevant practitioner texts. The current book list for each room is as follows:

- 9 x Civil Procedure Autumn 2003 & Civ Proc Forms (Sweet & Maxwell)
- 1 x Blackstone's Criminal Practice
- 1 x Sweet & Maxwell British Companies Legislation 2002
- 1 x Butterworths Orange Tax Book
- 1 x Butterworths Yellow Tax Book (2 vols.)
- 1 x Revenue Law – Whitehouse
- 2 x Blackstone's Solicitors Accounts – Kay & Baker
- 1 x Archbold Criminal Pleading 2003
- 1 x Land Registration Handbook
- 1 x Tristram & Coote's Probate Practice
- 2 x Defending Suspects at Police Stations – Cape
- 1 x Theobald on Wills
- 2 x Conveyancing Handbook – Silverman

- 1 x Blackstone's EC legislation – Foster
- 1 x Tolley's Company Law Handbook
- 1 x Guide to Financial Services – Rider et al
- 2 x Parker's Modern Conveyancing Precedents
- 1 x Murphy on Evidence
- 1 x EC Law – Steiner et al
- 1 x Guide to Professional Conduct of Solicitors
- 1 x Criminal Defence – Ede & Edwards

14.4 The LPC/BVC Resource Room

Apart from the nearby main library collection, we offer a specialist vocational stage library close to the main professional education teaching rooms which is for the exclusive use of LPC and BVC students. The new Resource Room became operational from September 2002, with increased space for student study as well as photocopying facilities. The room is used by students for formal practical legal research exercises, paper-chasing tasks and general research activity. The average occupancy at a normal time of the day is approximately 4-6 students, although this naturally increases when a PLR exercise is being conducted. The advantage of this room is that, as a separate resource centre, it occupies a mid-way house between a group's mini-library and the main library collection. Our security cameras show quite clearly that students study in this room rather than use it as a talking shop.

14.5 Resource Room Holdings

The room contains the following law reports, loose-leaf encyclopaedia, and general practitioner source materials:

- * Official Law Reports
- * Weekly law Reports
- * All England Law Reports
- * Halsbury's Statutes
- * Halsbury's Laws (now on Intranet)
- * Commercial Leases (Ross)
- * Commercial Property Development Precedents
- * Current Statutes & Current Statutes Annotated
- * Current Law & Yearbooks
- * Current Sentencing Practice (Sweet & Maxwell)
- * Atkins' Court Forms
- * Butterworths Annual European Review
- * Butterworths EC Case Citator
- * Butterworths Local Government Law
- * Butterworths Personal Injury Litigation Service
- * Emmett on Title
- * Encyclopaedia of Forms and Precedents
- * Harvey's Encyclopaedia of Industrial Relations and Employment Law
- * Hershman MacFarlane's Children Law & Practice

- * Human Rights Monitor
- * Litigation Practice (Vols 1-4)
- * PLC: Commercial Contracts (vol 1-3)
- * PLC: Commercial Leases
- * PLC: Joint Ventures
- * PLC: Takeovers
- * Rayden on Divorce
- * Registered Conveyancing (Sweet & Maxwell)
- * Ruoff & Roper Registered Conveyancing
- * Wills, Probate & Administration Service (Butterworths)

The room also contains, *inter alia*, single/multiple copies of the following texts (as well as at least one copy of every book contained in each group workshop room):

- * Acquisition of Private Companies and Business Assets (Knight)
- * Active defence (Ede & Edwards)
- * ADR Practice Guide (Mackie et al)
- * Advocacy in the Magistrates' Courts (LAG)
- * Alternative Investments Market Handbook (Hatchick et al)
- * Ancillary Relief Handbook (Bird)
- * Bank Security Documents (Lingard)
- * Benjamin's Sale of Goods
- * Blackstone's Guide to Covenants for Title (Kenny)
- * Blackstone's Statutes on Employment Law
- * Blackstone's EC Legislation
- * Blackstone's Guide to the Community Trade Mark (Annand & Norman)
- * Boilerplate Practical Clauses (Christou)
- * Bullen & Leake's Precedents and Pleadings
- * Butterworths Civil Court Practice 2002
- * Butterworths Company Law Handbook 2002
- * Butterworths Landlord & Tenant Handbook 2002
- * Butterworths Employment Law Guide
- * Butterworths Employment Handbook 2002
- * Butterworths Property Law Handbook (Scamell)
- * Byles on Bills of Exchange and Cheques (Elliott & Odgers)
- * Cases & Materials on the Law of the European Communities (Plender & Usher)
- * Cases & Materials on the Law of the European Communities (Weatherill)
- * Chancery Practice & Orders (Blackford et al)
- * Charlesworth and Percy on Negligence
- * Children Act (The) in Practice (White, Carr & Lowe)
- * Children: Modern Law (Bainham)
- * Chitty on contracts
- * City Code on Takeovers and Mergers
- * Civil Court Practice 2003 (Butterworths)

- * Civil Court Service Nov 2030 (Jordans)
- * Civil Litigation (O'Hare & Hill)
- * Civil Procedure (O'Hare & Hill)
- * Clerk and Lindsell on Torts
- * Conveyancing Forms and Procedures (Buckingham)
- * Corporate Borrowing (fuller)
- * Company Law (Mayson, French & Ryan)
- * Consumer Law (Lowe & Woodruff)
- * Criminal Evidence and Procedure (Seabrooke & Sprack)
- * Criminal Procedure (Emmins)
- * Commercial Arbitration (Mustill & Boyd)
- * Common Market Law of Competition (Rose)
- * Company Law (Mayon et al)
- * Company Law and Corporate Finance (Ferran)
- * Competition Law of the UK and EC(Furse)
- * Consumer Law & Practice (Lowe)
- * Consumer Law (Oughton)
- * Conveyancing Law Practice (Harwood)
- * Conveyancing 2003 (Butt)
- * Debt and Insolvency on Family Breakdown (Schofield)
- * Defending Possession Proceedings (Luba et al)
- * Disqualification and Personal Liability of Directors (Sealy)
- * Drafting and Negotiation of Commercial Leases (Ross)
- * Drafting Business Leases (Lewison)
- * Employment Law 2003 (Kidner)
- * Employment Relations Act (Wynn-Evans)
- * Enforceability of Landlord and tenant Covenants
- * Enforcing Family Finance Orders (Oliver & Clements)
- * EC Law (Steiner & Woods)
- * EC Law (Weatherill & Beaumont)
- * European Community: A Practitioner Guide (Rawlinson & Cornwell-Kelly)
- * European Union Law (Wyatt & Dashwood)
- * European Litigation Handbook (Taylor & Cooper)
- * Executors, Administrators etc (Williams, Mortimer, Sunnocks)
- * Family Court Practice 2002
- * Family Law Protocol (Law Society)
- * Family Lawyer Handbook (Bailey)
- * Financial Services Authority Listing Rules
- * Heads of Damage (Levene)
- * Homeless Persons (Hunter & McGrath)
- * Housing Law – Pleadings in Practice (Baker & Manning)
- * Information: Protection, Ownership and Rights (Chandler & Holland)
- * International Loans, Bonds & Securities Regulation (Wood)
- * Intellectual Property (Bainbridge)
- * Intellectual property and Media Law Companion (Anselm et al)
- * Interpreting and Enforcing Commercial Leases (Freedman & Steele)

- * Land Law (Mackenzie & Phillips)
- * Land Registration Act 2002 – A Practical Guide (Clarke)
- * Landlord and Tenant (Garne)
- * Law and Practice of Compromise (Foskett)
- * Law of Contract (Koffman & Macdonald)
- * Law of Mortgages (Cousins)
- * Law of Guarantees (Andrews & Millett)
- * Law Relating to Receivers et al (Picarda)
- * Legal Research (Stott)
- * Legal Research (Tunkel)
- * Loan and Security Documents (Dakin)
- * Local Government Law (Shortland)
- * Limitation Periods (McGee)
- * Manual of Housing Law (Arden/Hunter)
- * Magistrates Court Guide 2003
- * Matrimonial Conveyancing (Hartley)
- * Matrimonial Lawyer – Survival Guide (Clout)
- * McGregor on Damages
- * Medical Negligence (Khan & Robson)
- * Parkers Modern Wills Precedents
- * Pensions Sharing – New Law
- * Pensions and Insurance on Family Breakdown (Salter)
- * Personal Injury in Practice (Levene)
- * Personal Injury Practice (Butterworths)
- * Personal Injury Litigation (Solomon et al)
- * Personal Injury Pleadings (Sweet & Maxwell)
- * Phipson On Evidence
- * Planning Law (Moore)
- * Pleadings without Tears (Rose)
- * Practical Guide to EC Law (Medhurst)
- * Practical Partnership Agreements (Sacker)
- * Practical Approach to Civil Procedure (Sime)
- * Practical Approach to Conveyancing (Abbey & Richards)
- * Practical Approach to Commercial Conveyancing (Abbey & Richards)
- * Practical Approach to Family Law (Black et al)
- * Practical Approach to Local Government Law (Sharland)
- * Practical Guide to Family Proceedings (Blomfield & Brooks)
- * Practitioner’s Guide to City Code on Takeovers and Mergers (Butto & Bolton)
- * Probate Practitioners’ Handbook (King)
- * Property Statutes (Sweet & Maxwell)
- * Property Law (Gravels)
- * Public Law and Human Rights (Shorts et al)
- * Quiet Enjoyment (Arden & Partington)
- * Repairs and The Tenant’s Right (LAG)
- * Repossession of Property on Mortgage Default (Thompson)
- * Rights and Duties of Directors (Bruce)

- * Restrictive Covenants (Newsom)
- * Searches and Enquiries (Silverman)
- * Sentencing (Emmins)
- * Sentencing (Walker & Padfield)
- * Sergeant & Sime on Stamp Duties
- * Service Charges (Freedman et al)
- * Storey's Conveyancing (Hunyan)
- * Sinclair on Warranties and Indemnities (Lane & Ashman)
- * Sweet & Maxwell Civil Procedure 2002 (Vol 1 & 2)
- * Sweet & Maxwell Property Statutes
- * Sweet & Maxwell Public Law and Human Rights 2002/3
- * Sweet & Maxwell Property Law Statutes 2002/3
- * Take Over Code and SARs
- * The Complete Set of Children's Act (HMSO Vol 1-8)
- * Tolley's Employment Law Handbook (Slade)
- * Tolley's Tax Series
- * Trading Standards (Gumpert & Kirk)
- * Underhill and Hayton's Law of Trustees
- * Using a Law Library (Clinch)
- * UK Listing Rules (x 4)
- * Welfare Benefits Handbook (CPAG)
- * What Lawyers Do (Nathanson)
- * Williams on Wills (Sherrin et al)
- * Wills, Administration and Taxation (Barlow, King & King)
- * Wills Draftsman's Handbook (Riddett)

14.6 Mock Court-room & Assessment Studio

These rooms are used almost continuously by LPC and BVC students. Effective cross-course timetabling ensures that the rooms are always available for advocacy workshops running during the week, on either course. The court-room is equipped with state of the art recording and split-screen video technology, thereby providing students with high definition video tapes culled from a variety of angles. Similar technology is used in the assessment studio, the room being intended to simulate a judge's chambers.

Currently the rooms use the following Audio-Visual equipment:

Court-room

3 x Fixed pan and Tilt Cameras.

Separately enclosed room with Monitors and Mixing Deck.

Studio

Fully-equipped Assessment Studio (include) 2 x Fixed Pan and Tilt Cameras, Monitors and Mixing Deck.

14.7 Faculty Computer Suite

There is a Law Faculty Computer Suite consisting of 24 workstations (including a workstation for the visually impaired) and 12 printers, the latter having been recently upgraded for all networked windows-based applications.

The Law Faculty Computer Suite enables effective group-based IT and word-processing training, including Microsoft Office and Netscape, the use of LEXIS and other databases, LEXICAL programmes and instruction in the use of e-mail as a primary means of communication between staff and students.

All of these facilities are supported by the Faculty's own computer technicians.

14.8 Additional Equipment Within The Faculty for LPC Use

*5 x TV/Video's on Trolleys

2 x Video Editing Suite (students can ask our technicians to copy, edit and splice tapes)

*17 x Video Cameras (Plus Tripods and Microphones)

3 x VCR players and 2 x VC players

Cassette Players, incl a special amplification player.

*This equipment can be booked by students who wish to practice their skills performances. The tapes may then be played in their workshop rooms using the VCR/television facilities.

15. Library Provision

15.1 Introductory remarks

The law collection is on level 5 of the Bolland Library. Law books, journals, reports and statutes are shelved here. The Law Search Area includes Halsbury's Laws, the Digest, Current Law, Atkins Court Forms, Encyclopaedia of Forms and Precedents, legal dictionaries, directories, indexes to journals and guides to legal literature. All Search Area material is for reference only. This main stock is considered by many to be the best provision in the "new" university sector.

Law reports and journals are shelved alphabetically by title and are available for use in the library. The most recent issues of journals are displayed on the Journals Display rack on the ground floor of the library and are arranged by subject. An increasing number of law reports and journals are accessible in full text electronically via subscriptions to databases such as Lexis and Westlaw and/or directly via the library catalogue.

The Library easily meets the minimum requirements as set out by the SPTL.

15.2 Library Support for the Legal Practice Course

Specific support for the Faculty of Law, UWE, takes place within the wider environment of the Bolland Library which serves over 70% of university students. Materials to support teaching and research are the direct concern of the law librarians. The library has considerable experience in supporting the needs of professional law courses. The collection offers students a wide range of secondary and primary materials including a broad range of practitioner encyclopaedias, practice books, official publications, law reports, statutes and journals.

The library is exceptionally well served by information technology and audio visual services which include a subscription to Legal Network Television, open and unlimited access to the databases Lexis Nexis, and Westlaw, a wide range of internet and CD-ROM based databases. All of the internet based databases are available off campus. The very great majority of CD-ROM databases have been networked and are therefore accessible from staff offices and numerous computers throughout the library. The law librarians liaise closely with teaching staff to ensure that students are taught the information skills that will allow them to make effective use of these resources. This is supported by a professionally staffed enquiry desk and written documentation.

15.3 Remote Access Services

The library offers the opportunity for distance learning and full time students to connect to the library catalogue and many research resources through the library's internet pages. This includes off campus access to all legal databases, including Westlaw, Lexis/Nexis, Weekly Law Reports, Eurolaw, Lawtel and

bibliographical sources such as the Social Sciences Citation Index and the International Bibliography of the Social Sciences.

15.4 Bolland Library Teaching and Study Facilities

The law collection benefits from study facilities for both group and individual silent study. The increasing importance of electronic and multimedia sources of information is accommodated by a group video viewing room for students, increasing numbers of PCs, including a dedicated 50 seat PC lab within the library, and four library training rooms and two information technology training suites where staff can run database workshops. All library training rooms are equipped with video and data projectors for group demonstration of online resources. The implementation of the library catalogue's web interface has permitted off-site access to the catalogue and improved student access to electronic journals.

15.5 Funding

Expenditure on all Law materials in the Bolland library for 2002/3 is as follows:

£16,803	Law Search Area (eg bibliographies, directories, dictionaries)
£14,809	Law Reports
£19,659	Looseleaf (inc. bound volumes services with regular supplementation eg. Civil Court Practice)
£23,000	Law Journals (excluding titles paid for by other faculties, eg Estates Gazette, Construction Law Journal)
£27,454	Textbooks and other specialist monographs

The core library allocation is supplemented by a faculty top up payment of £25,000.

In addition: the library pays separately for the following electronic databases:

<u>Eurolaw</u>	£1,797.75
<u>Financial Times</u>	£1,452.59
<u>Justis Weekly Law Reports and Statutory Instruments</u>	£3,672.88
<u>Lexis Nexis Professional</u> via the internet	£1,762.00
<u>Lexis Nexis</u> direct dial "pay as you go"	approx. £50 per month
<u>WestLaw UK</u>	£7,212.00

Lawtel and Halsbury's Laws of England Direct are internet databases subscribed to by the Faculty and administrated by the Library.

15.6 Training provided for students (inc. databases)

The library contributes to the planning and delivery of 2 x 3.25 hour PLR training workshops for each LPC group in the first term of the course. These sessions focus on both printed and electronic sources used in the Practical Legal Research element of the course. Primary sources such as Halsbury's Statutes and Halsbury's Statutory Instruments (and their updating supplementation), and the use of digests, indexes and Current Law etc. are covered. These sessions are supported by a Professional Studies Resource Book which provides detailed information on primary and secondary materials in both print and electronic formats.

Electronic resources are explained and demonstrated during the workshop sessions. Students are also given the opportunity for further hands on experience, guided by exercises, in the use of specific legal resources including LEXIS, Westlaw, and Eurolaw, by means of a separate programme of optional legal database workshops.

Since most of these databases are based on the internet, training in accessing internet resources is built-in, including the use of the Library's web resources pages.

15.7 Library staff involvement in the LPC

The integration of the Law Librarians into the running of the LPC is a matter of the highest priority. We believe that the Law Librarians' contribution at all levels of the course demonstrates that this integration has been achieved, with consequential benefits to staff and students alike. We naturally intend to maintain and enhance these aspects of the course for the benefit of LPC students.

15.8 A full list of Legal Practitioner Sources holdings is contained in Appendix H.

16. Course Management

16.1 The BILP Senior Management Group

The BILP Senior Management Group is now comprised as follows:

The Director, Bristol Institute of Legal Practice: Paul Rylance

This role is assigned to the Associate Dean in the Faculty Executive responsible for professional courses. The Director has overall responsibility for all courses offered by BILP.

Two Deputy Directors, Bristol Institute of Legal Practice: Maurice Cook and Steven Dinning

The Deputy Directors share in the responsibility for all BILP programmes.

16.2 The LPC Management Team

All members of the BILP Senior Management Group (ex officio)

The LPC (Full Time) Course Director (Rhiannon Wynn-Jones) is responsible for the day to day supervision of the full time course.

The LPC (Part Time/Open Learning) Course Director (Phil Doble) is responsible for the day to day supervision of the part time course.

In addition, there are three Associate Course Directors:

The LPC Associate Course Director: Assessments (Margaret Harris) is responsible (across both courses) for the organisation, timetabling and co-ordination of all written and oral assessments.

The LPC (Part Time/Open Learning) Associate Course Director (Wendy Swinscoe) assists with the day to day supervision of the part time course and usually takes responsibility for one of its academic years.

The LPC Associate Course Director: Quality Assurance & Evaluation (Stephen Higgins) is responsible (across both courses) for all QA procedures and all monitoring and evaluation work.

Finally, there are four Practice Area Heads:

Litigation:

BLP and Business Accounts:

PLP, Probate and Solicitors' Accounts:

Skills and Pervasives:

Susan Holland

Wendy Swinscoe

Maurice Cook

Emma Whewell

NOTE: The LPC Management Team is supported by the LPC Careers' Tutor, Ceri Jennings, who oversees the provision of careers advice to LPC students and reports to the two Course Directors. Various members of the LPC team provide specialist careers advice to students.

16.3 The Responsibilities of the LPC Management Team

The LPC Management Team is responsible to the BILP Senior Management Group for:

- (a) ensuring compliance with any requirements concerning the design and delivery of the LPC imposed by The Law Society and/or the University;
- (b) ensuring the realisation of the aims and objectives of the LPC;
- (c) ensuring that appropriate mechanisms operate to monitor compliance with The Law Society's and/or the University's requirements and to evaluate the degree to which the course meets the aims and objectives of the LPC;
- (d) developing policies, procedures and working practices by which the aims and objectives of the LPC may be furthered;
- (e) receiving reports from inter alia
 - the Examining Board;
 - the admissions officer (Associate Course Director);
 - the careers advisers (Associate Course Director);
 - Quality Assurance Committee;
 - subject team leaders;
 - the staff-student committees,
 - the librarians; and
 - the external examiners
- (f) making such adjustments to the operation of the LPC as it considers appropriate in the light of (a)-(e) above; and
- (g) preparing an Annual Course Monitoring Report.

The LPC Management Team will meet regularly to develop, implement and manage policy in relation to all aspects of the LPC Programmes.

16.4 Staff-Student Committee

16.4.1 Terms of Reference

This committee (which forms the Course Management Committee for the purpose of the regulations of the University) is responsible to the Dean of the Faculty of Law for the overall management of the course and to the Law Faculty Board for the maintenance of academic standards on the course. There is a Staff/Student Committee for both the full time and part time courses.

The general purpose of the committee is to act as a forum for the discussion of any matters concerning students' interests, brought to its attention either by staff or by student members, and to act as a channel of communication between students and staff on such matters.

The Committee has specific responsibility for:

- (i) the monitoring and evaluation of the course;
- (ii) reviewing the recruitment, admissions and withdrawals of students;
- (iii) overseeing of the operation of the course;
- (iv) reviewing course content and regulations;
- (v) reviewing the management of assessments and pass rates;
- (vi) reviewing assessment requirements and regulations;
- (vii) identifying course related staff development needs;
- (viii) identifying resource needs; and
- (ix) contributing to the planning of a revised course at formal periodic reviews.

The Staff/Student Committee shall exercise its powers and carry out its duties subject to any requirements of the Legal Practice Course Board.

The monitoring process shall involve staff and student comments, all deliberations shall be fully minuted and any action taken during the year to improve the operation of the course shall be noted.

The Course Director shall ensure the provision of the documentation to enable the Staff/Student Committee to fulfil the above responsibilities. The process shall culminate in the provision of a written report to be provided to the Faculty's Academic Planning and Quality Committee and to the Law Society ('The Annual Course Monitoring Report').

The Staff/Student Committee shall receive feedback from Law Faculty Board.

16.4.2 Composition and Frequency of Meetings

The Committees shall be composed as follows:

- members of the BILP Senior Management Group (ex officio)
- the Course Director (full time or part time, as appropriate) (chair)
- the Dean of the Faculty (ex officio)
- the Course Director of the other LPC mode (as appropriate) (ex officio)
- the LPC Associate Course Directors (Assessments, Part Time, QA) (ex officio)
- the LPC Practice Area Heads (ex officio)
- the Law Librarian (ex officio)
- the subject leaders of each compulsory, core, pervasive and elective subject taught in the year in question (or their duly nominated nominees)
- student members: constituting not less than 25% of the total membership.

Each committee shall have power to co-opt members, not normally exceeding 25% of the total membership or two, whichever is the smaller. The Committee shall also have power to invite appropriate persons to attend its meetings (ie as non-members) including external representatives.

The quorum for meetings shall be one third of the members eligible to attend.

The Committee shall meet at least twice per year.

16.5 Quality Assurance Committee

Meetings of the Quality Assurance Committee shall be held regularly (at least once per term) to promote good teaching practice on the LPC, to monitor coverage of the pervasive legal subjects and to monitor and act upon quality assurance indicators. Members of the committee shall be drawn from teaching staff who have a significant teaching input on the LPC. This committee shall be chaired by the LPC Associate Course Director (Quality Assurance & Evaluation).

16.6 Subject Teams

16.6.1 Each tutor contributing to a compulsory or elective subject shall be a member of that subject team.

16.6.2 Meetings of the compulsory and elective subject teams shall be held as required in order to discuss all issues relating to the subject concerned, including issues arising for large and small group sessions, issues concerning teaching materials, issues concerning assessments and issues concerning the review or modification of the LPC programme.

16.6.3 The subject team, under the leadership of the subject leader, are responsible for:

- (a) ensuring consistency of approach between subject team members;
- (b) keeping under review and where necessary modifying existing course materials;
- (c) producing assessments in that subject; and
- (d) producing an annual report on the subject.

16.6.4 The subject team leader will keep a record of all subject team meetings.

16.7 Staff Team Meetings

16.7.1 Meetings of the LPC staff team shall be held regularly (twice or three times per term); all deliberations shall be published to staff.

16.7.2 All tutors contributing to the course are expected to attend meetings on a regular basis.

16.7.3 In addition, the following are entitled to attend staff team meetings:

- (a) members of the BILP senior management group;
- (b) the Dean of the Faculty of Law;
- (c) course administrative staff; and
- (d) the Law Library representatives.

16.7.4 The staff meeting shall be a consultative body acting as a forum for staff members to express their opinions on LPC matters and as a team examining and advising upon all matters relating to the organisation and delivery of the course.

16.8 The Role of External Examiners

The external examiners of the LPC are appointed by the University and the Legal Practice Course Board. They are required to carry out examining and assessment duties and to fulfil monitoring and evaluation responsibilities to ensure compliance with the Law Society's written standards for LPCs and to make recommendations for improving the course, where appropriate.

The external examiners are required to visit the institution twice per year, such visits to include meeting students, touring facilities and attending the meeting of the final Examination Board.

External examiners are required to provide the Legal Practice Course Board with a written report, which should include comments on the matters listed above.

16.9 Legal Practice Course Board's Assessment Panels

Assessment panels have been appointed by the Legal Practice Course Board. They consist of persons drawn from a pool of practitioners and senior academics. Each panel consists of a team of three or four who visit the University once a year.

The panel assesses the operation of the course, the quality of the teaching, the appropriateness of assessment strategies and the standards achieved by students. In addition, it ensures compliance with the Law Society's written standards and the course scheme validated by the Board. Finally, it provides feedback to the Faculty.

During the assessment visit, the panel attends classes, inspects accommodation and library facilities and meets staff involved in delivery of the course as well as a cross section of the student cohort. At the end of the process, the assessment panel reports its findings to the Legal Practice Course Board (a copy of the report is provided to the Faculty).

The LPC is awarded an official rating by the assessors once every three years.

17. Quality Assurance

17.1 Introductory Note

The University has detailed provisions governing the matters described in this section. The following paragraphs identify the main principles. The detailed provisions are set out in Appendix I.

17.2 Monitoring Processes of the University and the Faculty of Law

The University requires its faculties to conduct regular monitoring of the courses for which they are responsible. These requirements are set out in the procedures approved by the Academic Board of the University for implementation by the faculties.

17.2.1 Academic Planning and Quality Committee

The Faculty of Law has established an Academic Planning and Quality Committee ('APQC') responsible to the Faculty Board for the development, operation and reporting on the Faculty's quality assurance arrangements. The full terms of reference and composition of APQC are contained in Appendix J.

17.2.2 Outline Procedures for Scrutiny of Annual Reports

Once APQC has received an Annual Course Monitoring Report from the relevant Course Director a member of APQC is asked to review the Annual Report and to compile a further report setting out, in particular, recommendations to course management, areas of concern to the Faculty / University and areas of good practice to be disseminated further within the Faculty / University. This report is submitted to Faculty Board and, along with the reports for all other faculty programmes, discussed at APQC. The Chair of APQC then prepares an annual report setting out the findings of the Committee. Once approved by APQC, the Dean and Faculty Board, the report is submitted to the Academic Secretariat of the University. Issues of concern, if any, are then raised by the Academic Secretariat with the Executive of the Faculty through the Annual Academic Planning and Internal Audit Processes.

17.2.3 Outline of Faculty / University Procedures for Monitoring External Examiners Reports and the Reports of Professional Bodies

Copies of External Examiner's Reports and those of professional bodies are contained in the Annual Course Monitoring Reports and the issues raised are therefore considered as part of the process outlined at paragraph 17.2.2 above. Additionally, the University requires the Faculty to send all Professional Body's and External Examiner's Reports to the Academic Secretariat. The

Faculty Executive is then required to comment on any issues identified by the University as of potential concern and, where appropriate, to set out proposals for remedial action.

17.3 The Legal Practice Course Quality Assurance System

The LPC quality assurance system involves a continuous cycle of information gathering, analysis, recommendation, action, audit and reporting. The system is co-ordinated by the Associate Course Director (Quality Assurance).

17.3.1 Sources of Quality Assurance Indicators

The LPC quality assurance system relies upon the following sources for quality assurance indicators :

- Student/Staff Committee meetings;
- Completed Student Questionnaires;
- External Examiner reports;
- Periodic Supervising Principal (and course tutor) lunchtime meetings with students;
- Periodic one-to-one Supervising Principal and student meetings;
- Full LPC team and individual subject team meetings; and
- Reports from Law Society Monitoring Panels.

(a) LPC Quality Assurance Committee

Central to the system is the LPC Quality Assurance Committee. This committee is chaired by the Associate Course Director (QA) and consists of representatives from each subject team, together with the Associate Dean (Director of BILP), the Deputy Director of BILP (LPC) and the Course Directors of both the Full Time and Part Time LPCs.

(b) Student Questionnaires

Full Time students complete a number of Questionnaires during the year: one for each of the core and compulsory subjects; one for the Foundation Element of the course; one for the student support and feedback system; and one for each elective subject studied. Part Time students complete a Questionnaire covering the delivery of each Block of the course.

(c) Supervising Principal Lunches

A principal source of student feedback provided during the delivery of the programme is the Supervising Principal lunch, which is attended by each workshop group's current subject tutors. These lunches provide a unique forum in which the workshop group as a whole can articulate, and consider with the relevant tutors, its views on all aspects of the delivery of the course to date. At each 'round' of SP lunches, the relevant subject tutors take a note of all matters relating to their subject arising at the lunches. Immediately following the round of lunches, the Quality Assurance Committee subject representatives convene a subject team meeting to discuss the matters noted by each subject tutor, with a view to:

- identifying any problems capable of immediate remedy by adjustment to the delivery of the subject for the remainder of the current year;
- agreeing the action to be taken; and
- identifying any issues that will, in any event, be addressed later in the programme without the need for any adjustments.

17.3.2 Information Gathering

The Associate Course Director (QA) is responsible for collating and producing a summary of the information contained in:

- Student/Staff Committee meeting minutes;
- Written reports of Supervising Principals;
- Written reports of subject team leaders on issues raised in subject team meetings;
- Written reports of issues raised at full LPC team meetings;
- Law Society and External Examiner Reports; and
- Completed student questionnaires.

17.3.3 Transmission of Quality Assurance Information:

The Associate Course Director (QA) is responsible for ensuring that all quality assurance information impacting upon any aspect of teaching and learning methodology (including assessment) for a subject is passed to the relevant subject team members, and that the totality of such information for all subjects is passed to Quality Assurance Committee members.

17.3.4 Analysis of Quality Assurance Information and Recommendations

The Quality Assurance Committee then analyses the information and, where appropriate, formulates recommendations as to how it should be acted upon. Issues requiring consideration by the LPC team as a whole, or which need to be referred to individuals with a specific responsibility within the Faculty (e.g. the Head of Resources), are identified as such by the Committee. The Quality Assurance Committee representative for each subject team is responsible for:

- ensuring that the relevant information, together with any recommendations formulated by the Quality Assurance Committee, is considered by her/his subject team at a subject team meeting; and
- for reporting back to the Quality Assurance Committee with the results of her/his subject team's deliberations.

It is for each subject team, having given due consideration to any recommendations formulated by the Quality Assurance Committee, to determine what action (if any) is appropriate for that subject.

17.3.5 Audit

The LPC team is committed to maintaining, and where feasible, improving the standards of teaching and learning on the course. The Quality Assurance Committee not only monitors the implementation of its recommendations but also evaluates the effectiveness of modifications to teaching and learning methodology adopted by the whole or any part of the LPC team. Two audits are conducted by the Quality Assurance Committee covering all modifications implemented during the course of each academic year. The audits are held:

- once in the Summer term, covering the teaching of the core and compulsory subjects for that year; and
- once in the early part of the Autumn term, covering the teaching of the elective subjects for the previous year.

Whilst the sources of quality assurance indicators referred to above provide useful material upon which to conduct such an audit, the Quality Assurance Committee determine whether any modifications to these sources will be required in order to provide a clearer focus on any particular aspect of the audits for each year.

17.3.6 A Responsive Quality Assurance System

To be effective, a quality assurance system needs to ensure that, where appropriate and practicable, issues raised by students during a particular academic year are dealt with during that same academic year. Inevitably, many issues raised by students which do warrant consideration cannot practically be actioned until the following year. Nevertheless, there will be occasions when subject teams can implement immediate adjustments to the delivery of the

course in response to student feedback received during the year. Our QA system seeks to provide rapid response wherever it is possible and desirable to do so.

17.3.7 Reporting Back to the Student Cohort

We take the view that students should see how their comments on the course are taken into account by the course team. Three principal mechanisms are employed for this purpose.

(a) Report on SP Lunches

Each Supervising Principal forwards a written report of the issues raised at his/her workshop group's SP Lunch to the Associate Course Director (QA). After the subject team meeting following each round of SP lunches, the Quality Assurance Committee subject representative provides the Associate Course Director (QA) with a written report of the outcomes of the meeting. The Associate Course Director (QA) then produces and distributes to the student cohort (via the LPC Website), a global report for each round of lunches identifying:

- those matters raised by students at the lunches resulting in an immediate adjustment to the delivery of each relevant subject and/or which will have been dealt with at a later stage of the programme in any event; and
- the remaining matters raised for consideration which may result in adjustments to the delivery of the course for future years.

(b) Report on issues raised at Student/Staff Committee Meetings

The agenda for each Student/Staff Committee has a standing item requiring the Chair of the committee to report on the action taken in the light of the issues raised in previous Student/Staff Committee meetings.

(c) End of Year Report

At the end of the year, the Deputy Director of BILP (LPC) and the Associate Course Director (QA) produce a report summarising and commenting upon the totality of student feedback from all sources (other than on the delivery of the elective block). This report is distributed to Student/Staff Committee student representatives and attached to the Minutes of the final Student/Staff Committee meeting of the year.