



**ACADEMIC SERVICES**

**MODULE SPECIFICATION**

| Part 1: Basic Data         |   |                    |                           |                |    |
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| Module Title               | Commercial Litigation and Dispute Resolution                                  |                    |                           |                |    |
| Module Code                | UJXTS8-10-M   | Level              | M                         | Version        | 3  |
| UWE Credit Rating          | 10  | ECTS Credit Rating | 5                         | WBL module?    | No |
| Owning Faculty             | Business and Law  | Field              | Law Non-Modular           |                |    |
| Department                 | Law: BILP   | Module Type        | Professional Practice     |                |    |
| Contributes towards        | Post Graduate Diploma in Legal Practice<br>Masters in Advanced Legal Practice |                    |                           |                |    |
| Pre-requisites             | None  |                    | Co- requisites            | None           |    |
| Excluded Combinations      | None  |                    | Module Entry requirements | N/A            |    |
| First CAP Approval Date    | 2008  |                    | Valid from                | 2008           |    |
| Revision CAP Approval Date | 25 May 2017   |                    | Revised with effect from  | September 2017 |    |

| Part 2: Learning and Teaching |  |
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| Learning Outcomes             | <p>By the end of this elective, students should be able to:</p> <ul style="list-style-type: none"> <li>-Identify the main forms of Alternative Dispute Resolution and advise a client on which of those forms would be suitable for the matter in question. The student should also be able to advise on the need generally to attempt ADR before embarking on court proceedings and the likely consequences if this is not done.</li> <li>-Advise a client in a straightforward matter on the appropriate legal and procedural requirements to obtain an interim injunction and, as part of a team, to assist in preparation of the matter for a hearing.</li> <li>-Act as an effective member of a team in applying for a Freezing Injunction and/or a Search Order, including assisting in the preparation of the matter for a hearing and advising on the requirements for service and execution of the order and preparing for and attending on a return day.</li> <li>-Take the necessary steps to obtain an order for detailed assessment of costs pursuant to Civil Procedure Rule 44.12A and advise a client in outline on the process of detailed assessment.</li> </ul> |

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|                  | <ul style="list-style-type: none"> <li>- Understand the main forms of funding available in Commercial Dispute Resolution matters, advise a client on the merits of a straightforward application for security for costs and assist with the preparation of the papers necessary for such an application to be made.</li> <br/> <li>- Advise a client on the circumstances where permission of the court is and is not required to serve a claim form out of the jurisdiction and outline the appropriate procedural requirements. The student should also be able, as part of a team, to assist with the preparation of the necessary documents. In addition, the student should be able to explain the requirements of Part 31 of the Civil Procedure Rules as to Standard Disclosure and identify documents that are and are not likely to be privileged.</li> <br/> <li>- Advise a client about interest which can or cannot be claimed at various stages of the process of recovering an unpaid debt and, making appropriate use of the White Book, on effective procedures to recover the same.</li> </ul>   |
| Syllabus Outline | <p>The course is topic based and assumes that students have undertaken an LPC stage 1 litigation course or have a similar understanding of the basic civil litigation procedures gained by other means. The topics covered are:</p> <p>Alternative Dispute Resolution – An introduction to the main forms of ADR with a particular focus on mediation.</p> <p>Injunctions (1) – Introduction to the law and procedure relevant to the grant of interim prohibitory and mandatory injunctions.</p> <p>Injunctions (2) – Introduction to Freezing Injunctions and Search Orders.</p> <p>Part 8 Claims and Costs Only Proceedings – An overview of the Part 8 procedure and detailed consideration of the provisions of Civil Procedure Rule 44.12A together with an overview of the process of detailed assessment.</p> <p>Funding and Security for Costs – An overview of various methods of funding Commercial Dispute Resolution claims and consideration of aspects of law and procedure relevant to the making of an application for security for costs.</p> <p>Jurisdiction and Privilege – Introduction to the procedural requirements for serving a claim out of the jurisdiction and consideration of aspects of law and procedure relevant to disclosure and inspection, particularly as regards international corporate clients who may be unfamiliar with the requirements of the Civil Procedure Rules.</p> <p>Money Claims and Interest – Consideration of matters relevant to pursuing unpaid debts, including law and procedure on claiming pre and post-judgment interest and matters relating to enforcement of a judgment or order for payment of money.</p> <p><b>Statement of Outcomes</b></p> <p>The LPC outcomes and the vocational elective outcomes will be met by the students undertaking the type and range of tasks identified in the indicative teaching scheme set out below this statement.</p> |

The elements of law and practice to be covered on the elective are primarily identified in the syllabus set out above as expanded upon in this statement and in the indicative teaching scheme set out below.

Ethical and professional conduct issues will pervade the teaching of this elective. In particular but without prejudice to the generality of this statement, students will consider conflicts of interest (particularly the need to undertake a conflicts check before taking on a new matter), confidentiality (in the context, for example, of search orders), client relations under rule 2 of the Solicitors' Code of Conduct 2007 (for example, the duty to act only when competent to do), matters relevant to relations with third parties under rule 10 (for example the duty not to take unfair advantage) and also to the solicitor's duties to the court under rule 11.

The course skills which will pervade this elective as identified in the indicative teaching scheme set out below are advising, practical legal research, writing, drafting and oral presentation in the context of mediation.

This elective will develop knowledge and understanding specifically acquired in Stage 1 of the LPC in civil litigation, professional conduct, and the course skills as identified in the indicative teaching scheme. It will also develop students' commercial awareness in both case handling and in dealing with clients.

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#### **Indicative Teaching Scheme**

- Unit 1: Introduction to the main forms of Alternative Dispute Resolution and in particular to Mediation**
- Unit 2: Introduction to Injunctions**
- Unit 3: Introduction to Freezing Injunctions and Search Orders**
- Unit 4: Part 8 Proceedings, CPR Rule 44.12A and Detailed Assessment**
- Unit 5: Funding Commercial Dispute Resolution Matters and Security for Costs**
- Unit 6: Service out of the Jurisdiction and Disclosure and Privilege**
- Unit 7: Money Claims and Claims for Interest**

Contact Hours

Each Study Unit involves the student undertaking 11.5 Notional Learning Hours, of which (with the exception of the Self Study unit) 2.5 hours will be a Small Group Sessions

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| Teaching and Learning Methods | <p>Self-study preparation and research in order to acquire knowledge and understanding;</p> <p>Large group sessions in order to consolidate and develop knowledge and understanding;</p> <p>A mixture of individual and group work centred on problem-based learning, involving management of information, analysis of complex facts and application of knowledge;</p> <p>Role play and oral presentations to demonstrate understanding and effective communication of complex areas of law applied to detailed factual scenarios;</p> <p>Preparation of written communications (primarily in the form of office memoranda and letters of advice to clients) to demonstrate understanding and effective communication of complex areas of law applied to detailed factual scenarios;</p> <p>Drafting and amending of legal documents, often involving the use of precedents, to demonstrate synthesis and application of knowledge, and the ability to reach autonomous, competent decisions;</p> <p>Reviews of topics in the form of both large group sessions (where ideas can be pooled and debated) and critical self-evaluation.</p> <p>The teaching and learning strategy pervading all modules on the Legal Practice Course is a student-centred approach through the provision of a stimulating educational environment.</p> <p>Face to face teaching and learning in a workshop environment is at the heart of the Teaching &amp; Learning strategy, for students to participate fully in challenging activities, undertaking a wide variety of exercises as individuals and in groups. Full participation is encouraged and expected. Students are encouraged to ask questions during the workshops and to take responsibility for their own learning. Feedback will be given on these exercises both by students and tutors.</p> <p>Outside of the workshop students are required to take responsibility for their own learning undertaking a variety of preparatory tasks. These may be undertaken by students either as individuals or working in office groups, including include provision of information using recorded lectures, reading from course manuals and from practitioner texts, reading and research from primary source material, completion of electronic tests, preparing documents or presentations and attending large group sessions.</p> <p>The final component of each Study Unit will be a consolidation task or tasks designed to broaden and deepen students' understanding of an aspect or aspects of work covered in the relevant Study Unit</p> |
| Reading Strategy              | Students will undertake reading from the course manual, practitioner texts, and primary source material,   |
| Indicative Reading List       | CLP Commercial Dispute Resolution Manual   |

### Part 3: Assessment

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| Assessment Strategy | <p>The Assessment Strategy pervading all modules on the LPC is rigorous in its approach to ensure the credibility of the course to ensure that</p> <ul style="list-style-type: none"> <li>• Assessment arrangements will be robust, consistent, fair and secure, to</li> </ul> |
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|  | <p>ensure that academic standards will meet the threshold set by the SRA</p> <ul style="list-style-type: none"> <li>Assessments will revolve around transactions of the type encountered in practice</li> <li>Assessments will address depth and realism as well as coverage</li> <li>Individual assessments cover a representative and robust selection of the relevant outcomes. Where an assessment does not include coverage of all of the outcomes for a particular subject, students will nevertheless be prepared to be assessed on all outcomes and will not be informed of what (or will not) be assessed in any particular assessment.</li> <li>Student achievement will be measured appropriately in accordance with the LPC outcomes.</li> <li>All diligent students have an opportunity to achieve and demonstrate the LPC learning outcomes.</li> <li>The needs of disabled students will be taken into account ensuring equal accessibility of assessments to all students.</li> </ul> |
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| <b>% weighting between components A and B</b>  | <b>A:</b>                                    | <b>B:</b> |
|  | 100%   |           |
| <b>First Sit</b>   |  |           |
| <b>Component A (controlled conditions)</b><br><b>Description of each element</b>                       | <b>Element weighting (as % of component)</b> |           |
| 3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50% | 100%   |           |
| <b>Component B</b><br><b>Description of each element</b>   | <b>Element weighting (as % of component)</b> |           |
| n/a  |  |           |

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| <b>First Resit (further attendance at taught classes is not required)</b>                              |  |  |
| <b>Component A (controlled conditions)</b><br><b>Description of each element</b>                       | <b>Element weighting (as % of component)</b> |  |
| 3 hour Open Book assessment comprising 25% MCQ/SAQ and 75% Long Form Questions with a pass mark of 50% | 100%   |  |
| <b>Component B</b><br><b>Description of each element</b>   | <b>Element weighting (as % of component)</b> |  |
| n/a  |  |  |

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| <b>Second Resit (further attendance at taught classes is not required)</b>       |  |  |
| <b>Component A (controlled conditions)</b><br><b>Description of each element</b> | <b>Element weighting (as % of component)</b> |  |
| 3 hour Open Book assessment comprising 25% MCQ/SAQ and 75%                       | 100%   |  |

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| Long Form Questions with a pass mark of 50%       |   |
| <b>Component B</b><br>Description of each element | <b>Element weighting</b><br>(as % of component) |
| n/a   |   |