

## MODULE SPECIFICATION

1. **Title of the module**

Advocacy & Negotiation

2. **School or partner institution which will be responsible for management of the module**

Pearson College London

3. **The level of the module**

Level 5

4. **The number of credits and the ECTS value which the module represents**

15 credits (7.5 ECTS)

5. **Which term(s) the module is to be taught in (or other teaching pattern)**

The module will always be taught in the second term of a student's studies at level 5 (stage 2) (whether or not they start in September or January).

6. **Prerequisite and co-requisite modules**

Prerequisites – English Legal System I and II, Law of Contract, Law of Tort, Litigation I

Co-requisites – Litigation II

7. **The programmes of study to which the module contributes**

Certificate of Higher Education

Diploma of Higher Education

LLB (Honours)

LLB Law with Accountancy

LLB Law with Business Management

MLaw Legal Professional Practice (Exempting)

8. **The intended subject specific learning outcomes**

**On successfully completing the module students will be able to demonstrate:**

**Subject Specific Knowledge and Skills**

1. A knowledge and critical understanding of the principles, practices and criteria that underpin effective performance in advocacy and negotiation, including key skills and applicable rules / formalities in each area.

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2. An ability to critically analyse a case, identifying the strengths and weaknesses of different parties' positions, and to propose appropriate courses of action in the light of this analysis, with due attention to the rules of professional conduct.
3. An ability to undertake effective spoken and written advocacy, including formulation and presentation of coherent submissions based upon facts, general principles and legal authority in a structured, concise and persuasive manner appropriate to the context.
4. An ability to prepare effectively by identifying and mastering relevant facts and legal principles.
5. An ability to develop and formulate the best options for meeting parties' objectives (including compromise options), taking into account the practical, commercial and personal considerations affecting them, and to respond to options presented by other parties.

### **General Transferable Skills**

1. An ability to organise facts to support an argument or position, with appropriate attention to detail.
2. An ability to present a reasoned argument in a clear, logical, succinct and persuasive way and to respond effectively to questions or opposing arguments.
3. An ability to communicate effectively and persuasively both orally and in writing, selecting and tailoring the communication form and style to suit the purpose of the communication and needs of different recipients from different cultures and backgrounds.

### **9. A synopsis of the curriculum**

The aim of this module is to develop in students the skills of advocacy and negotiation. This will be done through practical exercises based around realistic case scenarios in areas of law they have already covered on the programme. Examples include: criminal applications before the magistrates' court; civil applications in the county or High court; and negotiation exercises in the context of alternative means of dispute resolution.

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### 10. Reading List (Indicative list, current at time of publication. Reading lists will be published annually)

All textbooks and practitioner materials will be updated annually. Textbooks will be held in the latest edition and older editions will be withdrawn.

	<ul style="list-style-type: none"> <li>• Title, author, publisher</li> </ul>
<b>Core Text</b>	<ul style="list-style-type: none"> <li>• Skills for Lawyers, Elkington, A et al, CLP Legal Practice Guides</li> </ul>
<b>Essential Reading</b>	<ul style="list-style-type: none"> <li>• Legal Foundations, Bamford K et al, CLP Legal Practice Guides</li> <li>• Practical Approach to Criminal Procedure, Sprack, A, OUP</li> <li>• Stone's Justices Manual, [Online] Lexis</li> <li>• White Book Service: Civil Procedure Rules, Lord Justice Jackson, [Online] Westlaw</li> </ul>
<b>Recommended Reading</b>	<ul style="list-style-type: none"> <li>• Lawyers' Skills, Webb, J et al, OUP</li> <li>• Archbold Criminal Pleading: evidence and practice [Online] Westlaw</li> <li>• Negotiation and Dispute Resolution, DeMarr, B and De Janasz, Pearson</li> </ul>

### 11. Learning and Teaching Methods, including the nature and number of contact hours and the total study hours which will be expected of students, and how these relate to achievement of the intended module learning outcomes

Learning and teaching takes place through four key activities. These comprise a blend of technical skills training, guided tasks assisting in self-directed research and study, practical application, and consolidation. Conceptually, the aim of the learning and teaching method is to mirror as closely as possible a trainee's experience in a law firm and at court.

#### **Part A – Technical skills training**

The trainee is briefed in detail on the relevant legal area (this can take a variety of forms, including, for example: webinars; live and / or recorded lectures; and conference calls).

#### **Part B – Self-directed research/Guided tasks**

The supervising partner will guide the trainee via memoranda, e-mails and/or recorded voicemails into any relevant areas that need to be researched. This may include reading articles, cases and practitioner texts, and preparing and drafting oral and written submissions or lines to take in negotiation.

#### **Part C – Seminar**

These will involve a variety of exercises in which students will develop the skills set out above. These will include: mock applications before a District Judge or Magistrate; examination of witnesses; and negotiation exercises. The tutor will provide formative constructive feedback after each exercise with relevance to the assessment criteria to ensure the trainee is engaged in reflective learning.

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### Section D – Consolidation

This may take the form of independent reflection and practise / online student discussion forum / associated tutor dialogue (e.g. via email), as students absorb the issues raised in the briefings and seminars through the consolidation process.

The module will aim to ensure the student has all of the applicable practical experience of making and successfully delivering oral submissions before the court, including the drafting and amending of relevant documentation at each stage of the module.

Activity	Notional Hours of Study
Technical skills training	10
Self-directed research / guided tasks	100 (including assessment preparation and completion)
Seminars	20
Consolidation	20
Total	150

### 12. Assessment methods and how these relate to testing achievement of the intended module learning outcomes

This module will be assessed by two live role plays comprising:

Part A – Practical Advocacy exercise (50%);

Part B – Negotiation exercise (50%).

In both parts, actors will play the role of judges (Part A) and clients (Part B), using high quality scripts and scenarios which seek to replicate these activities in practice. The pass mark for the module is 50%. In order to successfully complete the module, students will be required to obtain a minimum pass mark of 50% in both Parts A and B.

#### Rationale

This methodology reflects two key objectives: firstly, and most importantly, to assess that the learning outcomes set out above have been achieved by the students. Secondly, to align our assessment regime with that proposed by the Solicitors Regulation Authority for the new Solicitors Qualifying Exam.

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According to the SRA's recent consultation paper, "The skill areas of interviewing and advising, advocacy and negotiation will be assessed through practical role plays with standardised clients. The role plays will simulate, through high quality scripts and scenarios, the core activities of the".<sup>1</sup>

This approach is in line with that already utilised on both the LPC and BPTC for assessing these skills.

### 13. Map of Module Learning Outcomes to Learning and Teaching Methods and methods of Assessment

Module learning outcome		SS1 1	SS 2	SS3	SS4	SS5	GTS 1	GTS 2	GTS 3
Learning/teaching method	Hours allocated								
Technical skills training	20	X		X	X	X	X		
Self-directed research / guided tasks	130	X	X	X	X	X	X	X	X
Seminar	40	X	X	X		X	X	X	X
Consolidation	20	X		X				X	X
Assessment method									
Practical Advocacy exercise		X	X	X	X		X	X	X
Negotiation exercise		X	X		X	X		X	X

<sup>1</sup> Consultation, Training for Tomorrow: assessing competence 7 December 2015 at page 59, available at: <http://www.sra.org.uk/sra/consultations/t4t-assessing-competence.page#download>

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14. The Collaborative Partner recognises and has embedded the expectations of current disability equality legislation, and supports students with a declared disability or special educational need in its teaching. Within this module we will make reasonable adjustments wherever necessary, including additional or substitute materials, teaching modes or assessment methods for students who have declared and discussed their learning support needs. Arrangements for students with declared disabilities will be made on an individual basis, in consultation with the Collaborative Partner’s disability/dyslexia support service, and specialist support will be provided where needed.

1. **Centre where module will be delivered:**  
Pearson College London
2. **Partner College/Validated Institution:**  
Pearson Business School, part of Pearson College London
3. **University School responsible for the programme:**  
Kent Law School

### FACULTIES SUPPORT OFFICE USE ONLY

Revision record – all revisions must be recorded in the grid and full details of the change retained in the appropriate committee records.

Date approved	Major/minor revision	Start date of the delivery of revised version	Section revised	Impacts PLOs (Q6&7 cover sheet)