

## MODULE SPECIFICATION

1. **Title of the module**

Litigation II - Criminal

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

Pearson College London

3. **The level of the module (e.g. Level 4, Level 5, Level 6 or Level 7)**

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 (whether or not they start in September or January).

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

Pre-requisites: English Legal System I and II and Criminal Law.

Co-requisites - None

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 key principles, sources and practices of Criminal Litigation, including: the Criminal Procedure Rules; PACE; the role of the court and other relevant agencies e.g. the police; the rules relating to the admissibility of evidence; all aspects of the trial process; and sentencing.

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2. An ability to apply their knowledge of criminal law and procedure to complex practical legal problems of the kind they might encounter in criminal practice, and derive reasoned conclusions that may form the basis for advice.
3. An ability to devise and sustain arguments based on appropriate and reflective use of the main modes of enquiry and sources within criminal law and procedure and critically analyse the information thereby collected, with a view to proposing informed and reasoned solutions to practical legal problems.
4. An ability to investigate and identify relevant facts, research and identify the corresponding legal issues, and advise accordingly on the legal consequences of particular courses of action.
5. An ability to use their knowledge and understanding of the process of Criminal Litigation to advance matters in this field of practice, for example by drafting the appropriate documentation for each stage of the process.
6. An ability to recognise those situations which raise ethical questions, and which may require an application of the Code of Conduct.
7. An ability to use the legal knowledge, skills, procedures and behaviours appropriate to each client and each transaction matter.
8. An ability to identify the client's goals and alternative means of achieving those goals, and offer reasoned advice to them, in light of their financial, commercial and, where relevant, personal priorities and constraints and the costs, benefits and risks involved with particular courses of action.

### General Transferable Skills

1. An ability to communicate solutions to legal problems coherently and effectively to both lay and professional clients.

### 9. A synopsis of the curriculum

This module builds on the fundamental principles of law assimilated during the Criminal Law module, by giving students the knowledge and skills to understand how Criminal Law is applied in practical situations governed by the rules of criminal procedure and practice. Case studies, role-play and opportunities to draft criminal pleadings will provide students with a realistic setting within which to learn what happens to a person suspected of a criminal offence, who is then arrested and bailed prior to preliminary hearings, trial, conviction, sentence and appeal.

### 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>• <b>Title, author, publisher</b></li> </ul>
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<b>Core Text</b>	<ul style="list-style-type: none"> <li>• Criminal Litigation: Practice and Procedure, Sharpley, D, Legal Practice Guide</li> </ul>
<b>Essential Reading</b>	<ul style="list-style-type: none"> <li>• Archbold: Criminal Pleading, Evidence and Practice, [online] Westlaw</li> <li>• A Practical Approach to Criminal Procedure, Sprack, J, OUP</li> <li>• Current Sentencing Practice [online] Westlaw</li> <li>• Renton &amp; Brown Criminal procedure, [online] Westlaw</li> </ul>
<b>Recommended Reading</b>	<ul style="list-style-type: none"> <li>• SRA Handbook [Online] <a href="https://www.sra.org.uk/handbook/">https://www.sra.org.uk/handbook/</a> Solicitors Regulation Authority</li> <li>• SRA Code of Conduct [Online] <a href="http://www.sra.org.uk/solicitors/handbook/code/content.page">http://www.sra.org.uk/solicitors/handbook/code/content.page</a> Solicitors Regulation Authority</li> </ul>

### 11. Learning and Teaching methods

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 in a commercial context; and consolidation. The module assumes the student is a trainee in a criminal solicitor's firm.

#### **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 e-mails and/or recorded voicemails into the relevant areas that need to be researched. This may include such activities as reading articles and practitioner texts and drafting relevant documentation.

#### **Part C – Seminar**

The trainee will perform the tasks required (see below for examples of the kind of activities which will take place).

#### **Section D – Consolidation**

This may be in the form of independent reflection / 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.

As this is a practical course, the focus will be weighted to ensure understanding of the law before then applying it to the facts at hand. Examples of the kinds of activities students will be expected to undertake in the course of the module include:

- Court visits
- Listen to a police officer outlining the allegation their client faces and be in a position to probe for more information
- Prepare for and participate in a mock police interview and identify relevant issues under PACE

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- Listen to their client and take a full proof of evidence from him/her
- Draft an outline bail application on behalf of their client where bail is opposed by the Prosecution
- Complete a Plea & Trial Preparation Hearing form in order for the matter to be listed for trial
- Prepare outline cross examination questions and a draft closing speech for a trial.

Independent learning will include, private study, research, drafting, group work and assessment work.

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

### Assessment methods.

This module will be assessed by a supervised assessment of 3 hours' duration, split into two parts:

Part A - A supervised practical, time-constrained test requiring written responses using a file of advance information (1.5 hours); (50%)

Part B - A supervised written assessment comprising: a) objective testing on the litigator's procedural and strategic decision-making; b) an evidence management test; c) a 'legal solutions' test based on a combination of seen and unseen information; and d) an ethics and professional conduct test (1.5 hours) (50%)

The pass mark for the module is 50%. Students will be required to attempt both parts of this assessment. Since the learning outcomes tested by each part overlap (see further detail below) an overall pass of 50% will be sufficient to pass the assessment.

## 12. 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 in a way which complies with the Legal Practice Course Assessment Regulations. Secondly, to align our assessment regime with that proposed by the Solicitors Regulation Authority for the new Solicitors Qualifying Exam.

The proposed assessment methodology, combining a transaction based examination with objective testing we feel achieves both of these goals.

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

Module learning outcome		SS1	SS2	SS3	SS4	SS5	SS6	SS7	SS8	GTS1
Learning/teaching method	Hours allocated									
Private Study	108	X	X	X	X	X	X		X	X
Group Study	10		X	X	X	X	X	X	X	X
Technical Skills Training	12	X			X	X	X	X		X
Seminar	20	X	X	X	X	X	X	X	X	X
Assessment method										
Part A		X	X	X	X	X		X	X	X
Part B		X	X			X	X	X	X	X

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 student support service, and specialist support will be provided where needed.

15. Campus(es) or Centre(s) where module will be delivered:

Pearson College London

If the module is part of a programme in a Partner College or Validated Institution, please complete sections 17 and 18. If the module is not part of a programme in a Partner College or Validated Institution these sections can be deleted.

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**16. Partner College/Validated Institution:**

Pearson Business School, part of Pearson College London

**17. 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)