

MODULE SPECIFICATION

1. **Title of the module**

Practical Legal Research, Writing and Drafting

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

Pearson College London

3. **The level of the module**

Level 7

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 first term of a student's studies at level 7 (stage 4) (whether or not they start in September or January).

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

Prerequisites: None

Co-requisites - none

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

MLaw Legal Professional Practice (Exempting)

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

The three constituent elements of the module appear below as:

Practical Legal Research ("PLR")

Writing ("W")

Drafting ("D")

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

Subject Specific Knowledge and Skills

1. An understanding of the need for thorough investigation of all relevant factual and legal issues involved in a transaction or matter and a comprehensive understanding of the techniques applicable in the field of legal research. (PLR)
2. A systematic and conceptual understanding of the principles and criteria that underpin good performance in all three skills areas, allied to the facility to subject these standards to critical evaluation.
3. A detailed and systematic understanding of the content and requirements of formal legal documents in the core areas of legal practice (as defined by the Solicitors Regulation Authority). (D)

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4. An ability to deal with complex legal issues, both systematically and creatively, with an appropriate level of attention to detail, making sound judgements even in the absence of complete data.
5. An ability to undertake systematic and comprehensive legal research with a high degree of autonomy and self-direction. (PLR)
6. An ability to present the results of research, and other information, using an appropriate method of communication, tailored to suit the purpose of the communication and the needs of different recipients. (W)
7. An ability to explain clearly to specialist and non-specialist audiences their own and others' legal drafting. (D)
8. An ability to recognise professional conduct issues and to act within the Code of Conduct.
9. An ability to communicate in writing effectively, and to draft and amend documents in a form, style and tone appropriate for the recipients (specialist and non-specialist) and the context. (W) (D)
10. An awareness of the practical, commercial and personal considerations which should be taken into account when dealing with clients involved in a transaction or matter.

9. The intended generic learning outcomes

1. A sensitivity to issues of culture, diversity and disability when dealing with clients, colleagues and others at a professional level.
2. An ability to use these skills in combination where appropriate.

10. A synopsis of the curriculum

In the course of studying this module, students will cover the following key areas:

Outline Syllabus

Practical Legal Research

Element 1: Legal and factual issues - determine the scope and identify the objectives of the research; determine whether additional information is required and identify appropriate sources for factual investigation; identify the legal context(s) and analyse the legal issues; and address all relevant legal and factual issues.

Element 2: Research - identify and apply current case law, statute law, statutory instruments, regulations and rules to the research problem; identify, prioritise and use relevant primary and secondary sources; locate and update cases and statutes; use indices and citators; use periodicals, digests and standard practitioner texts; and select and use appropriate paper and electronic research tools.

Element 3: Presentation of results - keep a methodical, accurate and complete record of the research undertaken; draw clear conclusions and identify courses of action; present the results of their investigation and research.

Writing

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Element 1: Appropriate use of media - understand the appropriate uses of emails, letters, memoranda and other forms of written communication; be able to choose the appropriate medium, form and style; be able to tailor the written communication to suit the purpose of the communication and the needs of different clients or recipients.

Element 2: Writing style - produce written work which is: appropriate for the chosen medium and the recipient and which uses accurate, straightforward and modern language; uses correct spelling, grammar, syntax and punctuation; and which is clear, logical, consistent, appropriately structured and formatted as well as checked and edited.

Element 3: Content - produce written work which: forms a coherent whole and, where appropriate, advances the matter; addresses accurately and correctly all the relevant legal and factual issues and, where appropriate, identifies practical options including the costs, benefits and risks of those options; clearly identifies clients' objectives and priorities, addresses their concerns and reflects their instructions; accurately and systematically records a meeting or presents its outcomes.

Drafting

Element 1: Drafting and amending documents - draft and amend basic documents or provisions that: demonstrate an understanding of the relevant legal, factual and procedural issues; meet all formal legal or other requirements; demonstrate a considered choice, use and adaptation of templates or precedents; and are in prescribed or generally accepted form.

Element 2: Style of drafting and amending - draft and amend documents that: use accurate, straightforward and modern language; use correct spelling, grammar, syntax and punctuation; are easy to follow, internally consistent and free of ambiguity; use recitals, definitions and boilerplate correctly and appropriately; have a clear, logical, consistent and appropriate structure and layout and use of numbering and schedules.

Element 3: Explaining and editing - explain in clear and simple terms the meaning and effect of basic documents and the possible implications for the client; review and edit their own and others' drafting to identify and correct omissions, errors and unnecessary provisions.

Key Skills

- Managing and developing self
- Working with and relating to others
- Communicating
- Managing tasks and solving problems
- Applying numeracy
- Applying technology
- Applying design and creativity

11. 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"> ● Title, author, publisher
Core Text	<ul style="list-style-type: none"> ● Skills for Lawyers, Elkington, A et al, Legal Practice Guides

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Recommended Reading	<ul style="list-style-type: none"> • Effective Legal Research, Knowles, J, Sweet & Maxwell • Writing law dissertations: An introduction and guide to the conduct of legal research, Salter, M & Mason, J. Pearson • Clinch, P. Legal information: what it is and where to find it, Institute of Advanced Legal Studies Library • How to write better law essays, Foster, S, Pearson • How to study law, Bradney, A, Sweet & Maxwell • Lawyers' Skills, Webb et al, OUP
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12. 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, 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 to enable the trainee to acquire and develop the essential skills of Practical Legal Research, Writing and Drafting.

Part A – Technical skills training

The trainee will receive a series of briefings on professional regulation from practitioners and other experts in the field (these may take the form of live or recorded webinars or lectures).

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 written submissions or documents.

Part C – Seminar

The trainee will present their findings to the client and/or supervisor. New issues may arise from the presentation and or further client information being provided to change the dynamics of advice etc.

Section D – Consolidation

This may be in the form of independent reflection and reading / 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 developing and advancing their legal skills 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

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13. Assessment methods

13.1 main assessment methods

This module will be assessed in three parts comprising:

Part A – Practical Legal Research

Assessment 1 will require the students to analyse unseen client instructions in invigilated conditions, identify and research the legal and factual issues arising, and submit a report in a prescribed form containing the results of their research and practical advice. The duration of the assessment will be 4 hours.

The report will be limited to 2,000 words (40% of the module).

Part B – Drafting

For Assessment 2, students will be provided with unseen client instructions and a precedent. Students will be required to tailor the precedent to reflect the instructions and produce a 'final version / execution ready' document. The duration of the assessment will be 2 hours.

The precedent will be limited to 1,500 words (30% of the module).

Part C – Writing

For Assessment 3, students will be provided with a paper copy memorandum and research note. The memorandum will ask the students to produce a written document addressing all relevant issues using the research provided (e.g. letter of advice). The duration of the assessment will be 2 hours.

The written piece of work will be limited to 1,500 words (30% of the module).

In order to successfully complete the module, students will be required to obtain a minimum pass mark of 50% in Parts A, B and C.

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.

According to the SRA's recent consultation paper, "The skill areas of writing, drafting and legal research will be assessed through computer-based tasks in which candidates must respond to legal case studies and scenarios. The task may be to write a letter of advice to a client, to draft a legal

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document or part of a legal document, or to research the answer to a legal problem using legal databases. The candidates' responses will be completed online."¹

13.2 Reassessment methods

14. 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	SS9	SS10	GTS1	GTS2
Learning/teaching method	Hours allocate												
Technical skills training	10	X	X	X					X		X	X	
Self-directed research / guided tasks	100	X	X	X	X	X	X	X	X	X	X	X	X
Seminar	20	X	X	X	X	X	X	X	X	X	X	X	X
Consolidation	20	X	X	X	X	X	X	X	X	X	X	X	X
Assessment method													
PLR exercise		X	X		X	X			X				X
Drafting exercise			X	X	X			X	X	X			X
Writing exercise			X		X		X		X	X	X	X	X

15. Inclusive module design

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 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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16. Centre where module will be delivered:
Pearson College London

17. Internationalisation

All the modules on the MLaw/LLB programme incorporate an international dimension wherever and whenever appropriate. This includes specific areas, such as EU statutory provisions in Contract and Employment Law and Human Right issues in Constitutional and Criminal Law, alongside an all pervasive discussion of the affects of international law on English Law as a whole. In addition to the formal incorporation of international jurisprudence within the programme, the students are actively encouraged to participate in the numerous opportunities the College offers involving comparative analysis within the business world including: guest speakers, industry workshops, alumni events, etc. Specifically, the MLaw/LLB programme provides a number of opportunities for all law students to participate in educational visits to various international institutions within the legal environment including the EU (in Strasbourg, Brussels and Luxembourg), the International Court of Justice in the Hague and the Nuremberg Trials Court House. These trips are heavily subsidised by the college to ensure affordability and maximum participation.

18. Partner College/Validated Institution:

Pearson Business School, part of Pearson College London

19. 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)

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