

## MODULE DESCRIPTOR

### Module Title

Litigation

Reference	LLM194	Version	3
Created	August 2023	SCQF Level	SCQF 11
Approved	September 2018	SCQF Points	20
Amended	September 2023	ECTS Points	10

### Aims of Module

To develop skills in relation to the conduct, funding and resolution of civil litigation and to develop skills in relation to interview, negotiation, drafting and advocacy

### Learning Outcomes for Module

On completion of this module, students are expected to be able to:

- 1 Understand and discuss ethical and funding issues in civil court actions, jurisdiction and the types of civil action in the Sheriff Court and the Court of Session, procedural sequence of an ordinary action (Sheriff Court and Court of Session), appeal procedures, methods of settlement including negotiation, expenses and taxation and the operation of the Offices of Court
- 2 Conduct a client interview, take instructions, advise client in relation to a range of civil litigation for example Personal Injury, Contracts and Family Law; take a precognition, draft competent, relevant and specific writ and defences and conduct a negotiation.
- 3 Understand and explain the jurisdiction of the Sheriff Court and High Court in relation to criminal prosecutions, the procedural sequence in summary and solemn cases in the sheriff court, appeal procedures, the ethical and professional rules relating to criminal cases, legal aid and the operation of professional rules and ethics in criminal cases.
- 4 Conduct an incidental motion, an intermediate diet, a trial and a plea in mitigation all in relation to a summary case.

### Indicative Module Content

Civil court procedure, written pleadings, civil advocacy, funding, taxation, negotiation and settlement, criminal procedure, criminal advocacy, preliminary matters, preparation for trial, ethical and professional considerations, appeals and solemn procedure, legal aid,

### Module Delivery

Small group seminars/tutorials, drafting exercises, portfolio building, role play and simulations

**Indicative Student Workload**

	Full Time	Part Time
Contact Hours	78	78
Non-Contact Hours	122	122
Placement/Work-Based Learning Experience [Notional] Hours	N/A	N/A
TOTAL	200	200
<i>Actual Placement hours for professional, statutory or regulatory body</i>		

**ASSESSMENT PLAN**

If a major/minor model is used and box is ticked, % weightings below are indicative only.

**Component 1**

Type:	Coursework	Weighting:	50%	Outcomes Assessed:	1, 3
Description:	Written coursework exercise				

**Component 2**

Type:	Coursework	Weighting:	50%	Outcomes Assessed:	2, 4
Description:	Role play exercises				

**Component 3**

Type:	Coursework	Weighting:	0%	Outcomes Assessed:	1, 2, 3, 4
Description:	such online activities as are required to satisfy the participation element in the Module				

**MODULE PERFORMANCE DESCRIPTOR****Explanatory Text**

The first grade represents Component 1 (coursework) and the second grade Component 2 (coursework). Components 1 and 2 are weighted equally. Component 3 is pass/fail competencies. Component 3 is a participation requirement with each student normally required to pass such online activities as identified in the module. Non-submission of either component 1 or 2 or non-completion of the competencies will result in an NS grade. An overall minimum grade D is required to pass the module. Minimum Requirements to achieve Module Grade: C1:C2:C3

Module Grade Minimum Requirements to achieve Module Grade:

<b>A</b>	A:A:Pass or A:B:Pass B:A:Pass
<b>B</b>	A:C:Pass or A:D:Pass or B:B:Pass or B:C:Pass or C:A:Pass or C:B:Pass or D:A:Pass
<b>C</b>	B:D:Pass or C:C:Pass or C:D:Pass or D:B:Pass or D:C:Pass
<b>D</b>	D:D:Pass
<b>E</b>	A:E:Pass or A:F:Pass or B:E:Pass or B:F:Pass or C:E:Pass or C:F:Pass or D:E:Pass or D:F:Pass or E:A:Pass or E:B:Pass or E:C:Pass or E:D:Pass or E:E:Pass or F:A:Pass or F:B:Pass or F:C:Pass
<b>F</b>	E:F:Pass or F:D:Pass or F:E:Pass or F:F:Pass
<b>NS</b>	Non-submission of work by published deadline or non-attendance for examination

**Module Requirements**

Prerequisites for Module	None.
Corequisites for module	None.
Precluded Modules	None.

**ADDITIONAL NOTES**

In addition to the texts in the indicative bibliography, the student will be required to purchase the course materials.

**INDICATIVE BIBLIOGRAPHY**

- 1 *Greens sheriff court and sheriff appeal court rules 2017-18*. Edinburgh: W. Green.
- 2 HENNESSY C., 2014. *Civil procedure and practice*. 4th ed. London: Thomson Reuters.