

## 6.1 Module 6: Civil Litigation

<b>Module title</b>			
Civil Litigation			
<b>Module NFQ level</b> (only if an NFQ level can be demonstrated)	<b>Module number / reference</b>	<b>ECTS Value</b>	<b>Duration</b>
Level 7	DLSP-CL	5 ECTS	8 Weeks
<b>Parent programme(s).</b> Principal programme title, and embedded(s) if relevant		<b>Stage of parent programme</b>	<b>Semester No.</b>
Diploma in Legal Studies and Practice		Award Stage	Block 2
Certificate in Legal Practice		Award Stage	Block 2
<b>Teaching and Learning modes</b>	<b>Proportion</b> (% of Total Directed Learning)		
Classroom / Face to Face	20%		
Workplace	-		
Online	-		
Other (Identify)	80%		
<b>Entry requirements (statement of knowledge, skill and competence)</b>			
Learners must comply with and meet programme entry requirements.			
<b>Maximum number of learners per instance of the module</b>	80 learners		
<b>Average (over the duration of the module) of the contact hours per week</b>	4 hours		
<b>Pre-requisite module title(s) (if any)</b>	n/a		
<b>Co-requisite module title(s) (if any)</b>	n/a		
<b>Is this a capstone module? (Yes or No)</b>	No		
<b>Module-specific physical resources and support required per centre (or instance of the module)</b>			
Lecture room with Wi-Fi access, digital recording facilities, Zoom access and digital projector.			
<b>Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff working in this module.</b> (Staff includes workplace personnel who are responsible for learners such as apprentices, trainees and learners in clinical placements)			
<b>Role e.g. Tutor, Mentor etc</b>	<b>Qualifications &amp; experience required:</b>	<b># of Staff with this profile (WTEs)</b>	
Lecturer	Lecturers expected to hold at minimum a Level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College. Industry experience is beneficial but not a requirement.	0.25 WTE	

<b>Analysis of required learning effort</b>		
<b>*Effort while in contact with staff</b>	<b>Minimum ratio teacher / learner</b>	<b>Hours</b>
Classroom and demonstrations	1:80	21
Mentoring and small-group teaching	-	-
Other (specify) – workshop	1:25	4
<b>Independent Learning</b>		
Directed e-learning (hours)		-

Independent Learning (hours)	100
Other hours (specify)	-
Work-based learning hours of learning effort	-
<b>Total Effort (hours)</b>	<b>125</b>

Allocation of Marks					
	Continuous Assessment	Supervised Project	Proctored Practical Exam.	Proctored Written Exam	Total
Percentage Contribution	100%				100%

### 6.1.1 Modules aims and objectives

The Civil Litigation module provides learners with an overview of key legal principles and an understanding of when a public or private individual or business entity seeks redress before the courts for a dispute. The module objectives including the following:

- (i) Introduce learners to the different jurisdictions exercised by the District Court, the Circuit Court and the Superior Courts respectively, in civil matters.
- (ii) Explain both the manner in which civil litigation is initiated before the Irish Courts and the rules relating to the service of pleadings.
- (iii) Discuss the procedures and practices before the Injuries Board.
- (iv) Outline the most pertinent interlocutory procedures applying in civil litigation.
- (v) Promote learners' understanding of good case management in civil matters.
- (vi) Encourage learners to develop their skills with regard to client care such as interviewing clients and managing client files.
- (vii) Introduce learners to the role played by negotiation within civil legal practice.
- (viii) Encourage learners to develop their drafting skills.

### 6.1.2 Minimum intended module learning outcomes

On successful completion of this module, learners are able to:

- (i) Discuss the different jurisdictions of the Civil Courts.
- (ii) Explain the fundamental principles and substantive rules of all branches of civil law dealt with on the syllabus.
- (iii) Express opinions on legal issues with concision and clarity.
- (iv) Present and communicate legal arguments with clarity in private or public.
- (v) Apply practical skills such as negotiation and comprehensive legal drafting expected of the modern legal executive.

### 6.1.3 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

The purpose of the Civil Litigation module is to provide learners for a role within the legal system in Ireland and legal education. This module aims to impart in learner's written and oral skills which are central to legal professional training. Learners are taught how the different jurisdictions exercised and/or the manner in which civil litigation is initiated before the Irish Courts and the rules relating to the service of pleadings, interlocutory applications, practice and procedure in the different courts as well as alternative dispute resolutions available to parties. In that context this module supports the achievement of MIPLO I.

The Workshop includes a Negotiation, where learners are expected to argue with clarity and precision. The Workshop also includes a file management aspect, which requires learners to advise on issues pertaining to a file to include service, the process of the renewal of documents, statute of limitations issues amongst others.

This module complements the Professional and Academic Preparedness and Skills module, Law of Tort module and Law of Contract module in demonstrating the escalation process of a case from initiation to a judicial decision in the civil courts. In that context this module supports the achievement of MIPLO II.

Learners are taught how to draft a variety of documents pertaining to civil litigation including: Notices of Motion, Civil Bills, Summonses, Affidavits, Ex Parte Dockets and others. The Workshop for this module assesses learners competence in drafting these technical documents and also tests the learners' continually growing competence in those general drafting skills learned in Introduction to the Irish Legal System and Professional and Academic Preparedness and Skills. In that context this module supports the achievement of MIPLO III.

As a practical module, Civil Litigation requires learners to critically evaluate applicable legal sources and apply them in pursuit of solutions to specific legal problems outlined in both the module workshop and assignment. For example: learners are required as part of their assessment to advise a fictional principal on those legal issues relating to a particular file to include service, the process of the renewal of documents, statute of limitations issues amongst others. In that context this module supports the achievement of MIPLO IV.

Learners learn how to draft a series of technical documents to include: initiating documents, Affidavits, contracts, requisitions, legal forms, which are all required for the transition of cases towards successful completion. In that context this module supports the achievement of MIPLO V.

As part of the Workshop, learners are required to engage in a Negotiation exercise with a partner. In that context this module supports the achievement of MIPLO VI.

By receiving feedback on all summative and formative assessments, learners are enabled to evaluate and reflect on their work, thereby facilitating improvement. In that context this module supports the achievement of MIPLO VII.

The formative and summative assessments adopted require legal argument, meaning the recording of the learner's own opinion or advices, supported by relevant academic sources or case law/legislation/Constitutional provisions. Furthermore, the ever-changing landscape of civil litigation is discussed in depth and learners are encouraged in class discussions to debate new concepts, policies and procedures e.g. the introduction of PIAB. In that context this module supports the achievement of MIPLO VIII.

#### **6.1.4 Information provided to learners about the module**

Learners enrolled on this module initially receive a copy of the module descriptor, assessment briefs and assessment strategy. These materials are given directly by the lecturer and also by the Programme Director as part of the Learner Handbook for award stage modules of the programme. All content is provided on Moodle as well as access to additional content through the library and online resources. Online (via Moodle) learners are provided with video recording of each lecture, copy of PowerPoint slides, a module specific manual, extensive reading list, incorporating professional and academic and non-academic sources. Guest lectures will be introduced to ensure practical knowledge and real-life examples will keep the content relevant.

#### **6.1.5 Module content, organisation and structure**

Civil Litigation is a 5 ECTS credit module taught over an 8 week Block. This Block includes 5 lectures (of 4 hour duration); one revision class; two reading weeks; and an exam week. Specifically, the topics covered are as follows:

TOPIC	DISCUSSION
<b><u>Lecture 1 (4 hours) 16%</u></b> <b>Introduction to Civil Litigation</b>	Introducing learners to the Glossary of Common Terms and The Legal Diary, navigating the www.courts.ie website; defining the jurisdiction and sitting of the Courts, explaining the Statute of Limitations, examining how to initiate civil proceedings and how to define the parties involved.
<b><u>Lecture 2 (4 hours) 16%</u></b> <b>Pleadings</b>	Examining the differences in pleadings in each of the Courts, detailing how and where to submit the pleadings, explaining the service of proceedings and the precedents set in civil litigation.
<b><u>Lecture 3 (4 hours) 16%</u></b> <b>Interlocutory Applications</b>	Examining and explaining appeals, discovery, particulars, lodgments, proceedings involving infants and how to join a co-defendant and/or third party.
<b><u>Lecture 4 (4 hours) 16%</u></b> <b>Practice &amp; Procedure</b>	Categorising and examining the functions of the Commercial Court, the Master's Court, the Central Office, the County Registrar and correct case management.
<b><u>Lecture 5 (4 hours) 16%</u></b> <b>The Personal Injuries Assessment Board / Injuriesboard.ie</b>	Defining the correct procedure and precedent set by Injuriesboard.ie and how applications are made.
<b>Alternative Dispute Resolution</b>	Examining and explaining alternative means of dispute resolution such as Arbitration, Mediation and Conciliation.
<b><u>Workshop Preparation (1 hour) 4%</u></b>	Preparation for Workshop including drafting and pleadings, and negotiation skills.
<b><u>Workshop (4 hours) 16%</u></b>	Negotiation exercise Drafting exercise Memorandum - Practice and procedure

### **6.1.6 Module teaching and learning (including formative assessment) strategy**

This module is delivered through a series of lectures. Learners engage with the module either in class; online via our online streaming option or via recorded lectures. On Moodle, the programme's learner interface, the lecturer can interact with learners via the class discussion fora and upload relevant additional learning material e.g. legal articles, case law, study aids and relevant multimedia. This module comprises of 25 contact hours, being 20 lecture hours, a one-hour workshop preparation class, and one four-hour workshop.

Formative assessment is provided in the form of interactive exercises such as tutorial style discussions, quizzes, directed class discussion topics and collaborative group work.

### **6.1.7 Work-based learning and practice-placement**

There is no work-based learning or practical placement in the module.

### 6.1.8 E-learning

Griffith College uses Moodle, a virtual learning environment, to support its delivery of e-learning activities in the form of peer-to-peer support based around activities where learners give and receive feedback, forums where learners must contribute, formative quizzes and video links.

### 6.1.9 Module physical resource requirements

Requirements are for a fully equipped classroom. The classroom has Wi-Fi access and is equipped with a PC with Zoom and Microsoft Office. In addition the classroom has digital recording facilities and digital projector. No other software is required for this module. The College library has a dedicated law section and also online legal research tools including Justice One, Westlaw, Hein Online.

### 6.1.10 Reading lists and other information resources

#### Primary reading

Griffith College Manual, *Civil Litigation, Procedure and Case Management* (Dublin: Clarus Press, updated annually)

Byrne, and McCutcheon, *Byrne and McCutcheon on The Irish Legal System*, 7<sup>th</sup> Ed., (2021 Dublin; Bloomsbury Professional)

Collins, and O'Reilly, *Civil Proceedings and the State*, 3<sup>rd</sup> Ed., (2019 Dublin; Thomson Roundhall)

Delany, and McGrath *Civil Procedure in the Superior Courts*, 4<sup>th</sup> Ed., (2018, Dublin; Round hall)

Law Society of Ireland: *Civil Litigation* 3<sup>rd</sup> Ed., (2009, Oxford University Press)

#### The lecturer may recommend Extracts from:

1. Consolidated Circuit Court Rules
2. Consolidated District Court Rules
3. Consolidated Superior Court Rules

### 6.1.11 Specifications for module staffing requirements

Lecturers expected to hold at minimum a Level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College. Industry experience is beneficial but not a requirement.

### 6.1.12 Module summative assessment strategy

The inclusion of a reflective journal promotes responsibility for one's autonomous learning and improvement. Learners are required to consider what they learn from the module, did it make them rethink their approach and if so what did they do about that or intend to do or if you didn't intend to implement changes outline why. Learners are also required to consider whatever challenges they faced and problems they solved within the module and how they dealt with same. Reflective writing aims to get the learner thinking about and understanding their learning experiences.

The Workshop and Case study are both based in practical assessment, the workshop involves: a drafting/case management exercise, a file management exercise and a negotiation. The following table indicates the module learning outcomes' alignment with the assessment used for the module:

No.	Description	MIMLOs	Weighting
1	Assignment – Case Study	(i) to (v)	40%
2	Workshop	(i) to (iii)	50%
3	Reflective Journal	(i) to (v)	10%

**Reassessment/Repeat assessment strategy:**

Griffith College regulations state that learners must pass all component elements of the module to be deemed to have passed the module.

- In the event of a learner failing components of / this module, they will be required to submit a new individual repeat assignment which will be made available on Moodle to learners, and which must be submitted as per faculty instructions.
- In the event of a learner failing the group assessment element of this module, a new individual repeat assignment will be made available on Moodle to learners which must be submitted as per faculty instructions.
- In the event of the learner failing the exam, learners will take the re-sit exam at the next available sitting, details of which will be made available to learners via Moodle.

**6.1.13 Sample assessment materials**

Please see sample assessment supplementary document.