

## Module 5 Civil Litigation

<b>Stage</b>				1			
<b>Semester</b>				2			
<b>Module Title</b>				Civil Litigation			
<b>Module Number</b>				5			
<b>Module Status</b>				Mandatory			
<b>Module ECTS Credits</b>				5			
<b>Module NFQ level</b>				Level 7			
<b>Pre-Requisite Module Titles</b>				n/a			
<b>Co-Requisite Module Titles</b>				n/a			
<b>Capstone Module?</b>				No			
<b>List of Module Teaching Personnel</b>				James Buckley			
<b>Contact Hours</b>				<b>Non-contact Hours</b>			<b>Total Effort (hours)</b>
24				76			10021
<b>Lecture</b>	<b>Practical</b>	<b>Tutorial</b>	<b>Seminar</b>	<b>Assignment</b>	<b>Placement</b>	<b>Independent Work</b>	
15	3	6				76	100
<b>Allocation of Marks (Within the Module)</b>							
	<b>Continuous Assessment</b>	<b>Project</b>	<b>Practical</b>	<b>Final Examination</b>	<b>Total</b>		
<b>Percentage Contribution</b>		25	25	50	100		

### Intended Module Learning Outcomes

On successful completion of this module, the learner will be able to:

1. Display knowledge of the different jurisdictions of the Civil Courts.
2. Display a clear understanding of the fundamental principles and substantive rules of all branches of civil law dealt with on the syllabus.
3. Express opinions on legal issues with concision and clarity.
4. Present and communicate legal arguments with clarity in private or public.
5. Show some of the more practical skills such as negotiation and good legal drafting expected of the modern legal executive
6. Apply the fundamental principles and substantive rules of civil law to practical factual scenarios

## Module Objectives

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

In addition, this module aims to develop within the learners the ability to:

1. Assess factual scenarios and apply their understanding of the rules of professional conduct and client care.
2. Engage effectively with clients and other legal professionals orally through use of interview and negotiation techniques.

## Module Curriculum

<b>TOPIC</b>	<b>DISCUSSION</b>
<b>Introduction to Civil Litigation</b>	Introducing learners to the Glossary of Common Terms and The Legal Diary, 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>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>Interlocutory Applications</b>	Examining and explaining appeals, discovery, particulars, lodgements, proceedings involving infants and how to join a co-defendant and/or third party.
<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>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.

### **Reading lists and other learning materials**

1. Griffith College Manual, *Civil Litigation, Procedure and Case Management* (Dublin: Clarus Press, updated annually)
2. Byrne, and McCutcheon, *Byrne and McCutcheon on The Irish Legal System*, (2014, Dublin; Bloomsbury Professional)
3. Collins, and O'Reilly, *Civil Proceedings and the State*, (2004 Dublin; Thomson Roundhall)
4. Delany, and McGrath *Civil Procedure in the Superior Courts*, (2012, Dublin;
5. Round hall)

The lecturer may recommend Extracts from:

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

### **Module Learning Environment**

#### Accommodation

In line with other higher education awards offered by the College, the Special Purpose Diploma in Legal Studies and Practice, will provide reasonably comparable resources and accommodation requirements, all of which can be met by facilities on campus.

At the moment, a base classroom is used for teaching purposes at both the Dublin and Cork campuses. Participants also have access to online teaching resources and Moodle and an e-learning studio. It is not proposed that these arrangements be changed as they are continuing to operate successfully.

In addition, all lectures are recorded and posted on the relevant Moodle page, providing students with the opportunity to watch lectures at a later date if they are unable to attend the lecture or wish to review the lecture.

The workshop is held in an open plan room with movable desks in order to facilitate group work, discussion, presentations. The workshop is not recorded as all learners must attend.

### Library

All learners have access to an extensive range of “actual” and “remote access” library resources. The library monitors and updates its resources on an ongoing basis, in line with the College’s Library Acquisition Policy. Lecturers update reading lists for this programme on an annual basis as is the norm with all courses run by Griffith College.

### Equipment, Information & Communication Technology

The College is already fully resourced with the necessary teaching equipment – such as a base class room fully equipped with PC, audio and visual presentation facilities and projectors.

Further resources such as video recording equipment are also available for use on the programme. Participants may also use the College’s other computer labs, open labs and the e-learning studio. The College’s IT Services Department and the Lecturer Support Unit also support this process by continually updating classrooms and PC labs. Proposals for the acquisition of new technologies are made to the IT Services Department and to the Director of Academic Programmes, so that academic and technical issues are considered.

Extensive use is also made of the Moodle VLE for posting lecture notes and other relevant material used for study and revision. With the aid of data projectors, these can form the basis of lecture presentations.

### **Module Teaching and Learning Strategy**

This module will be delivered through a series of lectures, through tutorial-style discussions, group work sessions and exercises, and supplemented by structured web-based resources and reading; and also involves one practical workshop

This module comprises of twenty-one contact hours, being fifteen lecture hours, five tutorial hours and one revision/exam preparation class, and one three-hour workshop.

Each class will comprise three hours of lectures and a one-hour tutorial.

Tutorials will comprise the review of past exam papers, class discussions, group work sessions and exercises.

The workshop will comprise an interactive, group discussion based assessment, with learners requested to engage in interviews and negotiation exercises.

Lectures and tutorials will be supplemented by structured web-based resources and reading.

In order to support learners through the exam process they engage in the answering of sample exam questions and correction of their own or peers' papers, thereby familiarising themselves with the process of writing papers and with the marking criteria.

### **Module Assessment Strategy**

Theoretical knowledge will be assessed at the end of the module by examination (worth 50%), the purpose of which is to enable learners to become accustomed to undertaking extended examinations which are a traditional method of assessment commonly used in law-based degrees on the National Framework of Qualifications and in the sphere of professional legal training. The examination will consist of a mixture of essay style questions, which place emphasis on the learners demonstrating academic legal knowledge as well as discursive legal writing skills, and problem style questions which assess the learner's ability to apply the law to practical factual scenarios. Formative assessment will be provided in the form of interactive exercises such as mini quizzes or directed class discussion topics.

The examination will be supplemented by an Assignment worth 25% of the overall grade enabling learners to utilise their learning from class based work and to develop their legal research, problem solving, independent learning, initiative skills and professional analytical capacity. The Assignment focuses on a matter of practical importance in the field of Civil Litigation. Learners will submit an assignment, which typically comprises of drafting pleadings, such as a Notice of Motion.

The workshop focuses on practical exercises: focusing on the learner's capacity to draft legal documents.

Element No.	Weighting	Type	Description	Module Learning outcomes
1	25%	Assignment	Learners are required to demonstrate the capacity to draft a legal document.	6
2	25%	Workshop	Learners are required to demonstrate the capacity to apply knowledge to a factual scenario.	6
3	50%	Exam	The examination consists of a choice of both essay and problem style questions. Essay style questions place emphasis on the learners' demonstrating their understanding of the main principles of the law and their capacity to critique the law. Problem style questions enable learners to apply principles of the law to a factual scenario.	1-6