LLM 301 LITIGATION – PROCESS AND TACTICS FOR TRIAL

MODULE OVERVIEW

This module covers the process and rules for dealing with a civil dispute through litigation and trial. It looks at civil procedure and evidence, taking a critical and strategic approach to consider how rules can be used most effectively. Seminars move from considerations before the issue of proceedings through to judgement and orders in court. The focus is on the options and the role of a lawyer at each stage.

The aim of this module is to help you to get a practical and realistic understanding of how the litigation process works, and how best to prepare for trial. It should help you to understand how the different stages of litigation are best managed coherently, including strategic collection and use of evidence and the potential use of applications to court.

The module includes consideration of the skills required of a litigation lawyer to address complex problems, identifying issues and potential solutions so as to meet client objectives. It aims to help you to analyse a case in an effective and tactical way.

The module is based on law and practice in England. A basic knowledge of the rules of civil procedure and evidence in this jurisdiction will be of assistance, but information and support will be available for students who do not have this knowledge. Experience relevant to civil legal practice is useful but not essential.

The module includes a focus on current issues and cases, including for example issues arising from the implementation of the Jackson Review of Costs, and on-going developments in the use of expert evidence.

MODULE CONTENT

Topics covered in this module include:

- The stages in the civil litigation process in England, the role of lawyers, and the implications of adversarial litigation
- The importance of the pre-action stage, and requirements and tactical options before proceedings are issued
- Effective drafting of statements of case
- Practical and strategic considerations in the collection, disclosure, analysis and use of evidence
- Making effective use of witness statements and expert reports
• The tactical use of interim applications to court
• Effective preparation for a civil trial, including the use of skeleton arguments
• Making effective speeches at trial, using a theory of the case and persuasion
• Effective case presentation at trial, including how to deal with witnesses and other forms of evidence
• Judgment, orders and enforcement in a civil case

READING AND RESOURCES

This summary indicates sources relevant to this module. You will be provided with detailed lists of books, articles, websites etc. relevant to each seminar.

A Practical Approach to Civil Litigation (16th edn), Professor Stuart Sime, Oxford University Press, 2013.

The Modern Law of Evidence (9th edn) Professor Adrian Keane, James Griffiths and Paul Mckeown, Oxford University Press, 2012

A Practical Approach to Effective Litigation (7th edn), Susan Blake, Oxford University Press, 2010

Blackstones Civil Practice, Oxford University Press, 2013

The White Book, Sweet & Maxwell, 2013

Ministry of Justice  www.justice.gov.uk (Procedure Rules, Court Guides, consultations)
HM Courts Service www.hmcourts-service.gov.uk (Court information, guides and forms)
Judiciary website www.judiciary.gov.uk (Guidance for judges)

For reference and further reading

The Civil Procedure Rules 10 years On, D Dwyer, Oxford University Press, 2009
Butterworths Civil Court Precedents, J Gimlett et al, Butterworths (looseleaf)
Practical Civil Court Precedents, S Gerlos et al, Sweet & Maxwell (looseleaf)
The Devil’s Advocate, Iain Morley, Sweet & Maxwell, 2009
Common sense rules of advocacy for lawyers, Keith Evans, 2010
Judging Civil Justice, Professor H Genn, Cambridge University Press, 2009