

# Centre for the Study of Legal Professional Practice



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# Centre for the Study of Legal Professional Practice (CSLPP)



The Centre for the Study of Legal Professional Practice (CSLPP) supports the strong development of the legal profession and legal professional practice through research and writing that is well-regarded by the profession.

The Centre builds on existing expertise in designing and delivering legal professional education for barristers and solicitors as well as the work and reputations of a range of staff.

The Centre has developed within the context of a growing research-active law school, The City Law School; provider of a full range of high quality legal education and training. Its purpose is to enable academic researchers, professionally-focused authors, legal practitioners and others to share expertise, and to be able to do so in London, one of the most important legal centres in the world. The Centre believes that enabling practitioners and legal academics to work more closely together can provide substantial benefits, especially at a time of great

change and development in legal practice. The Centre focuses on key areas of School expertise through the following forums:

- Advocacy Forum
- Alternative Dispute Resolution Forum
- Civil Litigation Forum
- Criminal Litigation Forum
- Evidence and Proof Forum
- Legal Education Forum
- Legal Ethics Forum

The aim of the Centre is to promote the use of high quality academic work to support development and standards in legal professional practice and training. This is done through professionally-focused research and writing, and through a range of seminars, lectures and other activities in which practitioners and academics can share views on legal professional practice. Some events are arranged for specific groups, but wherever appropriate, events are open to The City Law School staff and students, and to a wider audience.

Many aspects of legal professional practice are changing. At a time of substantial evolution in processes and funding, we seek to ensure that change is properly informed by research and analysis. The Centre supports this not only through the work of staff but by helping to build networks of those with relevant expertise and interests. It also supports the growth of expertise in relation to the development of legal professional practice through recruiting PhD students, and offering professionally-focused LLM programmes.

Baroness Hale of Richmond officially opened The City Law School's Centre for the Study of Legal Professional Practice on Friday 12th July 2013. Baroness Hale, the first female judge in the Supreme Court of the United Kingdom, joined City academics, alumni, students and members of the profession for the event at Gray's Inn Place.

Baroness Hale gave an inspiring and amusing speech about the potential value of academic research to judges. She balanced the potential value of research against the possible problems of using it, noting how the process of research and authorship is different from that of judicial decision making. Baroness Hale explained how academic authorities and research outcomes are now referred to in court more than was the case in the past to add weight to argument, and several cases were cited where this happened. In conclusion, the Baroness noted that because the function of judges is different from that of academic lawyers, it is important that research is used in court appropriately.

In its first three years a full range of activities have been carried out under the aegis of the CSLPP, from international conferences to small scale seminars. This is a pattern we will continue each year.

For details see [www.city.ac.uk/law/research/centre-for-the-study-of-legal-professional-practice](http://www.city.ac.uk/law/research/centre-for-the-study-of-legal-professional-practice).

## What are the Centre's key objectives?

### **The advancement of scholarship relevant to legal professional practice.** Achieved through:

- running a forum in each of the main areas covered by the Centre
- scholarship resulting in the writing of books, articles and reports of acknowledged value to the legal profession
- running seminars and conferences that bring together practitioners, academics and other experts to address issues related to legal practice

### **The advancement of research relevant to legal professional practice.** Achieved through:

- research into areas related to professional practice, including socio-legal research
- developing a body of PhD students studying areas related to legal professional practice
- providing support for staff scholarship, research and writing

### **The support of excellence in education relevant to the legal profession.** Achieved through:

- developing professionally focused PhD provision
- further development of our suite of professionally focused Master's programmes and associated research

## What areas are covered by the centre?

### **Advocacy Forum**

Based around the expertise and writing of a range of staff in relation to advocacy skills, including the legal storytelling work of Robert McPeake.

### **Alternative Dispute Resolution Forum**

Focused on the work of Professor Susan Blake, Julie Browne, and Professor Stuart Sime – the joint authors of The Jackson ADR Handbook published by Oxford University Press (2<sup>nd</sup> edition 2016) and of A Practical Approach to Alternative Dispute Resolution, published by Oxford University Press (4<sup>th</sup> edition 2016).

### **Civil Litigation Forum**

Founded upon the work of Professor Stuart Sime, Julie Browne, Lisa Laurenti and Professor Susan Blake – authors of major sections of Blackstone's Civil Practice and other works in the area, such as Blackstone's Guide to the Civil Justice Reforms 2013, published by Oxford University Press.

### **Criminal Litigation Forum**

Based around the specialisms and writing of Robert McPeake, and other staff, and linked to our LLM Criminal Litigation.

### **Evidence and Proof Forum**

Based on the work of Professor Adrian Keane, and Paul McKeown, authors of The Modern Law of Evidence (11th edition 2016) and the work of Professor Andrew Choo, author of Evidence (4<sup>th</sup> edition 2015) and of a range of monographs, published by Oxford University Press.

### **Legal Education Forum**

Many staff at The City Law School, and previously at the Inns of Court School of Law, have been and remain strongly involved in the design, delivery and development of innovative legal education and training, considering how best to meet the needs of the profession and of students.

### **Legal Ethics Forum**

This is based around the long standing work of Professor Andy Boon and Professor Nigel Duncan, which includes work with the Association of Legal Ethics.

To keep up to date with forum news and upcoming projects and activities visit: [www.city.ac.uk/law/research/centre-for-the-study-of-legal-professional-practice](http://www.city.ac.uk/law/research/centre-for-the-study-of-legal-professional-practice).

## Masters Programmes (LLMs) associated with the Centre

- LLM in Civil Litigation and Dispute Resolution
- LLM in Criminal Litigation
- LLM Dispute Resolution
- LLM Professional Advocacy

For details visit: <http://www.city.ac.uk/courses/postgraduate/master-of-laws>

# Advocacy Forum



The aim of the Advocacy Forum is to increase knowledge and understanding of all aspects of advocacy, both academically and professionally. It does this through research, scholarship and education in the field of advocacy, in its broadest sense, within both criminal and civil jurisdictions. We aim to develop our existing relationships with legal professionals and academics in the area of advocacy, and we support the development of advocacy-related activities at both PhD and LLM level.

## What areas are covered by this Forum?

Advocacy includes such subjects as case preparation and analysis, and the uses of forensic science. We seek to examine advocacy in its many and varied contexts, including pre-trial, trial and post-trial advocacy, the ways that judges, magistrates and jurors 'use' the evidence that is presented to them, and decision-making processes. Advocacy also includes the use and development of specific techniques, such as witness handling, including expert and vulnerable witnesses. We see it as important to incorporate insights from cognate disciplines that have a bearing on advocacy, including, for example, psychology and criminology, as well as the developing field of legal storytelling.

Robert McPeake is the Convenor of the Advocacy Forum and teaches advocacy at postgraduate level on the LLM in Criminal Litigation, the LLM in Professional Advocacy and on the Bar Professional Training Course (BPTC.)

## Masters Programmes associated with the Advocacy Forum?

LLM in Criminal Litigation

LLM Civil Litigation and Dispute Resolution

LLM Professional Advocacy

## Events

Previous events have included:

**'Voice for the Advocate'**: exploring tone, pitch, resonance and clarity, this was an introduction to how to look after and optimise your most important communicating device, delivered by Debbie Chatting, (MA Voice Studies) who trained at the Royal Central School of Speech and Drama and specialises in Voice for the Lawyer.

Other events have included: **The 4<sup>th</sup> Applied Legal Storytelling Conference**. This popular conference series fosters innovative collaboration and invigorating dialogue about the use of story across the spectrum of lawyering skills, bringing together academics and practitioners from a range of jurisdictions who examine the ways in which storytelling can inform case analysis, advocacy and the use of evidence.

For more information and future events visit [www.city.ac.uk/law/research](http://www.city.ac.uk/law/research)

# Alternative Dispute Resolution Forum



The aim of the Alternative Dispute Resolution Forum is the advancement of research, scholarship and education in the fields of negotiation, mediation and arbitration, both within England and Wales and internationally. The aim is to develop relationships with legal professionals and academics with interests in this area, whilst supporting the development of related PhD and LLM activity.

## What areas are covered by this Forum?

Alternative Dispute Resolution (ADR) is an area of substantial growing importance in many legal jurisdictions. The use of arbitration is well established, but there are a number of issues to be addressed in ensuring that the process is as efficient and effective as it might be. An increase in the use of mediation is being driven by a variety of factors, including the desire for quicker, more private and more cost effective ways to resolve civil disputes. While this is in many ways to be welcomed, it brings with it significant questions, with regards to potential oversight of practice, transparency and the development of precedent.

Both government policy and civil court rules are promoting the use of ADR in England and Wales, and it offers potential benefits to those involved in a civil dispute. It is important that developments in the use of ADR be soundly based, and that progress continues in identifying appropriate ways to address disputes in cost and time efficient ways.

Professor Susan Blake and Julie Browne are the Convenors of the Alternative Dispute Resolution Forum. Both teach on the LLM and the BPTC, and are co-authors with Professor Stuart Sime of *The Jackson ADR Handbook* (2<sup>nd</sup> edition 2016), and *A Practical Approach to Alternative Dispute Resolution* (4<sup>th</sup> edition 2016.)

## Masters Programmes are associated with the ADR Forum

LLM Civil Litigation and Dispute Resolution

LLM Dispute Resolution

## Events

Previous events have included:

**‘The role of arbitration and mediation, and training as an Arbitrator.’** This was a seminar talk by The Chartered Institute of Arbitrators discussing the process and stages of training as an arbitrator. With the growth of the use of Alternative Dispute Resolution this is a route followed by a number of barristers and solicitors as a way to provide further services to clients. Even if one does not work as an arbitrator, the training can provide substantial insight for appearing as a lawyer in an arbitration case.

**‘The Jackson ADR Handbook Book Launch’** featuring a key note speech by the Right Honourable Lord Dyson, Master of the Rolls.

For more information and future events visit [www.city.ac.uk/law/research](http://www.city.ac.uk/law/research)

# Civil Litigation Forum



The overall purpose of the Civil Litigation Forum is to support and advance research in all aspects of civil justice, while at the same time expanding education in this field. It is intended to provide a focus for debate and law reform in the field of civil procedure, to provide information and commentary on developing areas of procedure, and to promote the exchange of ideas among practitioners and academics. The Forum includes a focus on current issues and proposed developments, such as the implications of the implementation of changes arising from the Review of Costs carried out by Sir Rupert Jackson.

## What areas are covered by this Forum?

Civil Litigation describes the procedures and practices used by the courts and litigants to resolve civil legal disputes. With over 1.5 million county court and over 50,000 Queen's Bench and Chancery Division claims being issued each year in England and Wales, litigation is a major contributor to the UK economy. Civil litigation covers pre-action conduct, as well as the processes used from commencing proceedings through to the determination of the case at trial. Pre-action remedies, and court orders made in support of other dispute resolution processes, such as mediation and arbitration, are included. Appeals, enforcement and costs are also important areas, with most of the recent law reforms in this area aimed at ensuring litigation can be pursued at proportionate cost.

Professor Stuart Sime is the convenor of the Civil Litigation Forum. He teaches civil litigation, ADR, advocacy, drafting, opinion writing, company law and commercial law. He also designs and delivers CPD courses on civil litigation, evidence and procedure for solicitors. Since January 2006 he has been the Programme Director for the Bar Professional Training Course. Stuart is the author of a range of works including 'Blackstone's Civil Practice 2016', 'A Practical Approach to Civil Procedure' (19th edition 2016), 'The Jackson ADR handbook' (2013) and 'A Practical Approach to Alternative Dispute Resolution' 4th edition 2016, all published by Oxford University Press.

## Masters programmes associated with the Civil Litigation Forum

LLM Civil Litigation and Dispute Resolution

### Events

Previous events have included:

**'Opinion Writing: What clients want... and what they don't'**  
A lecture led by Michael Lerego QC (Former Head of Fountain Court Chambers and Recorder in the Crown and County Court.) The lecture focused on what lay clients and professional clients expect from their barrister's advice, how that advice should be presented on law and fact, and what the advice should not contain.

**'Current Developments in Immigration and Asylum Practice and the Effects of the Legal Aid Cuts'** delivered by S Chelvan, of No 5 Chambers, and Gabriella Bettiga, Head of Immigration Dept, Lawrence Lupin Solicitors.

**'Litigation in the USA'** - current issues and international comparisons; a seminar led by Professor Jay Tidmarsh of the University of Notre Dame. This seminar was offered in conjunction with the LLM Civil Litigation and Dispute Resolution, and attracted interest from all staff and students interested in the civil litigation process and in issues facing legal practitioners, especially in large cases.

For more information and future events visit [www.city.ac.uk/law/research](http://www.city.ac.uk/law/research).



# Evidence and Proof Forum



The Evidence and Proof Forum promotes research, scholarship and education in the fields of Evidence and Proof within both criminal and civil jurisdictions. The Forum works in cooperation with professional and academic lawyers as well as those from relevant non-legal disciplines.

Evidence and Proof covers such subjects as the process of proof, accuracy in fact-determination, probability theory, adversarial, inquisitorial and alternative dispute resolution processes, pre-trial, trial and post-trial procedure, advocacy, the roles of judges, magistrates, jurors and witnesses, including expert witnesses, and the use of 'special advocates' in relation to secret evidence. It also covers non-legal disciplines that have a bearing on Evidence and Proof, including, for example, psychology and the forensic sciences.

Paul Mckeown is the convenor of the Evidence and Proof Forum. He is a senior lecturer at The City Law School and course leader for evidence on the Bar Professional Training Course (BPTC). He also teaches criminal advocacy and advanced criminal litigation on the BPTC, and teaches evidence on postgraduate academic programs. He is co-author of Keane and McKeown, *The Modern Law of Evidence*. This is a leading text on evidence which is now in its 11<sup>th</sup> edition.

## Events

Previous events have included:

**The Inadvertent Bias of the Expert**, a lecture led by Dr Itiel Dror (UCL), Professor Jennifer Temkin and Patrick Fields (Recorder of the Crown Court). This event concerned the ground-breaking research into inadvertent bias on the part of expert witnesses deriving from the nature of human cognition. It also explored ways of minimising such bias by not disclosing to experts irrelevant information that can influence their perception and opinion.

**Street Identifications: Reliability and Effect**, a lecture led by Andrew Roberts (Law, University of Melbourne) and Dr Josh Davies (Psychology, University of Greenwich). The speakers considered research findings relating to street identifications and subsequent Video Identification Procedures, and explored whether it is time to rethink.

For more information and future events visit [www.city.ac.uk/law/research](http://www.city.ac.uk/law/research).

# Legal Education Forum



The objectives of the Legal Education Forum are to facilitate a wider and deeper understanding of the evolving legal education and training needs of the professions and other legal workforces (e.g. paralegals and legal executives), and to offer academics and trainers opportunities to share best practice in meeting these. This includes engagement with the discourse on how best to educate lawyers for entry to, and progression in the legal professions.

## What areas are covered by this Forum?

- Effective learning strategies to achieve vocational and academic legal education that links critical thinking to practice-focused learning and values
- How to develop competence in legal knowledge and skills and ethical standards for those entering the legal workplace
- How to embed best practice in workplace training and career development to maintain career-stage appropriate competence and outcomes
- How to create a more equal, diverse and inclusive legal workforce
- How to recognise, nurture and develop talent within the legal workforce
- How legal scholarship and educational theory informs concepts of 'graduateness', workplace learning and career development.

The Convenors of the Legal Education Forum are Linda Jotham and Marcus Soanes.

Linda's extensive experience as a solicitor in corporate and capital markets practice at Freshfields followed by wide-ranging commercial practice as the Company Solicitor at Sotheby's Europe, strongly informs her education- and research practice today.

Linda joined The City Law School in 2006 and teaches Business Law and Practice, Commercial Law and Practice, Mergers and Acquisitions, Corporate Finance, Tax, Solicitors' Accounts and various legal skills on the LPC. She has a particular interest in developing students' commercial awareness and professional identity.

Linda holds an MA with Distinction in Academic Practice (Technology Enabled) with a particular focus on legal education and training. Linda is also a Fellow of the Higher Education Academy, a Learning Enhancement and Development Fellow at City and was formerly Deputy Director of the Legal Practice Course.

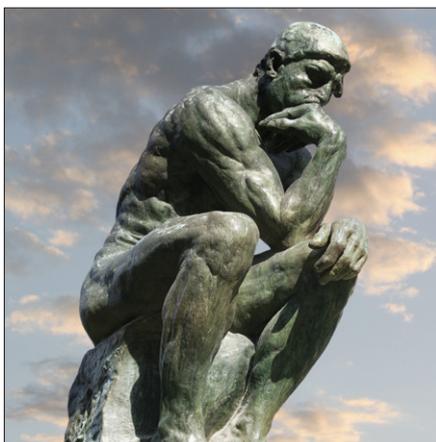
Marcus joined The City Law School in 1994 following practice as a barrister. On the Bar course, he teaches Advocacy and Conference Skills, Evidence and Professional Ethics and specialises in Commercial Law. He has a special interest in the critical study of courtroom advocacy and co-ordinates the Advocacy I and II modules on the LLM in Criminal Litigation. He regularly delivers witness familiarisation training to witnesses of fact, expert witnesses and the police. He holds an MA in Distance and Online Learning and is a Teaching Fellow at City University London. Marcus is a Principal Lecturer and Director of the Part-time BPTC.

## Events

**Opening Doors and Removing Glass Ceilings – Widening Participation in the Legal Professions.** This conference considered a variety of issues related to access to the legal profession for those aspiring to a legal career. The keynote speaker was Paul Johnston, Secretariat Director at the Social Mobility and Child Poverty Commission. More than twenty participants on the invited panels included academics, legal practitioners, the professions' regulators, lawyers' representative bodies and members of the organisations responsible for Queen's Counsel and judicial appointments.

For more information and future events visit [www.city.ac.uk/law/research](http://www.city.ac.uk/law/research).

# Legal Ethics Forum



The objective of the Legal Ethics Forum is the development of research and learning in the field of legal ethics, with particular emphasis on professional ethics across all jurisdictions. In particular we seek to improve communication and understanding between academics, professionals and professional regulators both within the UK and internationally.

## What areas are covered by this Forum?

Our approach to Legal Ethics addresses the study of the relationship between morality and law, the values underpinning the legal system, and the regulation of the legal services market, including the institutions, professional roles and ethics of the judiciary and legal professions. It includes the education, training and continuing professional development of those providing legal services.

The approach of our forum includes empirical analysis, socio-legal and cultural analyses, jurisprudence and pedagogy. The significance of this area of study and activity lies in its key contribution to understanding lawyers' roles in the drafting of legislation, transactional commercial activities, the resolution of disputes, the criminal justice system, the protection of human rights and the 'personal plight' sphere.

The Convenors of the Legal Ethics Forum are Professor Andrew Boon & Professor Nigel Duncan.

Professor Andrew Boon joined The City Law School in September 2012. Before coming to City he was Dean of the School of Law at the University of Westminster, London. He convenes the Lawyers and Legal Professions stream of the Socio-Legal Studies Association.

He is author of *The Ethics and Conduct of Lawyers in England & Wales* (3<sup>rd</sup> ed), 2014, Hart.

Nigel is Professor of Legal Education, teaches on the BPTC and is the Course Director of the Professional Legal Skills LLM. He convenes regular 'Teaching Legal Ethics UK' workshops and is responsible for the International Forum on

Teaching Legal Ethics: <http://www.teachinglegalethics.org>.

## Events

Previous events have included:

**The Humanity of Lawyers: Parliament Chamber, Inner Temple, London**, (a public event in the festival Being Human, celebrating the humanities led by The School for Advanced Studies, University of London, British Academy and Arts and Humanities Research Council featuring Atalanta Goulandris (chair), Andrew Boon, Caoilfhionn Gallagher, Robin Howard, Mavis Maclean, Justine Rogers).

**The Trouble with Lawyers**, presented by Deborah L Rhode.

**"The Real Ethical Dilemmas for New Entrants to Commercial Firms"**, speakers Sarah de Gay, Tony King and Caroline Pearce.

**Teaching Legal Ethics UK Workshop**, speakers Graham Ferris, Caroline Gibby, Hugh McFaul and Caroline Strevens.

**"From Law Enforcement to the Judiciary - challenges in worldwide training on corruption and its proceeds"**, speaker Alex Mills.

Nigel Duncan presented a paper **"Playing the wild card"** at Keeping it Real, for the Manifest Virtue project, Hertfordshire University, 2016.

Andy Boon convened a panel on the International Regulation of the Legal Profession and Judiciary for the International Legal Ethics Conference VII, Fordham University, New York, 2016

Andy Boon convened a panel on the International Regulation of the Legal Profession and Judiciary, and Nigel Duncan moderated a program on Corruption and Ethical Challenges to Legal Professionals for the International Legal Ethics Conference VII, Fordham University, New York, 2016.

For more information and future events visit [www.city.ac.uk/law/research](http://www.city.ac.uk/law/research).

# Publications

Susan Blake, Julie Browne and Stuart Sime, *The Jackson ADR Handbook*, Oxford University Press (2<sup>nd</sup> edition, 2016)

Susan Blake, Julie Browne and Stuart Sime, *A Practical Approach to Alternative Dispute Resolution*, Oxford University Press (4<sup>th</sup> edition, 2016)

Susan Blake, *A Practical Approach to Effective Litigation*, Oxford University Press (8<sup>th</sup> edition, 2015)

Andy Boon, *The Ethics and Conduct of Lawyers in England & Wales*, Hart (3<sup>rd</sup> edition, 2014)

Andrew Choo, *Evidence*, Oxford University Press (4<sup>th</sup> edition, 2015)

Andrew Choo, *Privilege against self-incrimination and criminal justice (Criminal Law Library)*, Bloomsbury Publishing (2013)

Andrew Choo, *Hearsay and Confrontation in Criminal Trials* (Oxford monographs in Criminal law and Justice), Clarendon Press (1996)

Nigel Duncan, *Perspectives on Legal Education: contemporary responses to the Lord UpJohn Lectures* (co-editor), Fourledge (2015)

Nigel Duncan, *Clinical Legal Education: Active Learning in your Law School* (co-author), Blackstone Press Ltd (1998)

Adrian Keane and Paul McKeown, *The Modern Law of Evidence*, Oxford University Press (11<sup>th</sup> edition, 2016)

Stuart Sime, *A Practical Approach to Civil Litigation*, Oxford University Press (19<sup>th</sup> edition, 2016)

Stuart Sime, *Blackstone's Civil Practice* (Co-editor), Oxford University Press (2016)

Stuart Sime, *Blackstone's Guide to the Civil Justice Reforms*, Oxford University Press, 2013

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The City Law School  
Gray's Inn Campus  
4 Gray's Inn Place  
Gray's Inn  
London  
WC1R 5DX

T: +44 (0) 20 7404 5787  
E: S.H.Blake@city.ac.uk



**Email enquiries**  
S.H.Blake@city.ac.uk



**Telephone enquiries**  
+44 (0) 44 02 7404 5787



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[www.city.ac.uk/law/research/](http://www.city.ac.uk/law/research/)