

## LEVEL 2

October-June: 250 hrs.: 100 hrs. compulsory class attendance; 150 hrs. independent study time: = 10 ECTS/20 UK credits

### 1. TORT (II)\*

#### 1.1 REVISION (I)

- 1.2 Nuisance [(Human Rights Act 1998), *Rylands & Another v. Fletcher*, Dangerous Premises]
- 1.3 Defamation: (libel, slander, malicious falsehood, remedies, defences), Privacy, Economic Loss
- 1.4 Trespass to Land and Goods and Conversion
- 1.5 Intentional torts [the concept, intention (e.g. trespass to the person, false imprisonment, intentional infliction of physical or mental harm, harassment, intentional interference with economic interests, intentional abuse of power and process)
- 1.6 Legislation and Tort: (breach of statutory duty, Occupiers Liability Act 1979, product liability, Consumer Protection Act 1987, European Community (EC) Directive 85/374/EEC)
- 1.7 The Tort 'tree'
- 1.8 Transnational issues: Rome II Regulation No. 865/2007 (non-contractual obligations)

### 2. CONTRACT (II)\*

#### 2.1 REVISION (I)

- 2.2 Termination: performance, breach (nature and effect of, right to terminate, limitations, time stipulation)
- 2.3 Frustration: limitations, effects, rule in *Sumpter v. Hedges* 1898, '*inadimplenti non est adimplendum*, Law Reform, (Frustrated Contracts) Act 1943
- 2.4 Exclusion (exemption) and limitation of liability
- 2.5 Warranties, promises, guarantees, deposits,
- 2.6 Misrepresentation (definition, breaking down the elements: false, statement, fact, law, inducement), when actionable, types, remedies, Misrepresentation Act 1967, exclusion of liability, non-disclosure, misrepresentation and estoppels, puff, damages)
- 2.7 Mistake: common mistake (impossibility, as to subject matter, as to identity of subject matter, as to possibility of performance, as to quality, as to quantity, as to law, *non est factum*); unilateral mistake (as to person, as to subject matter, as to terms of contract), effects and remedies, rectification
- 2.8 *Great Peace Shipping Ltd v Tsaviris (International) Ltd* [2002]
- 2.9 Duress (types, remedies)
- 2.10 Undue Influence (actual, presumed, remedies, third parties)
- 2.11 Examining Cases on 'intention, 'consideration', etc.
- 2.12 The Contract 'tree'
- 2.13 Transnational issues: Rome I Regulation, 2008 (applicable to contractual obligations)

### 3. CIVIL LITIGATION, PRACTICE AND PROCEDURE (II)

Case Study: Anthony v. Cleopatra: continued

- 3.1 REVISION (I)
- 3.2 Adversarial System
- 3.3 Jurisdiction
- 3.4 Funding options for litigation
- 3.5 Evidence; finality in justice (*Ladd v. Marshall* 1954, *Singh v. Habib* [2011])
- 3.6 Overriding Objective) Part 1 CPR)
- 3.7 Pre-action Protocol for personal injury- revisited
- 3.8 Civil procedure 'tree'
- 3.9 Commencing proceedings CPR Part 6 (Service of documents), CPR Part 7 (the Claim), CPR Part 9 (Responding to Particulars of Claim), CPR Part 10 (Acknowledgment of Service)
- 3.10 Statements of truth (CPR Part 22)
- 3.11 Particulars of Claim (CPR Part 16)
- 3.12 Defence and Reply (CPR Part 15)

- 3.13 Witness Statements (CPR Part 32)
- 3.14 Introduction to Court's management powers, case management (CPR Part 3), breaches of CPR, unless orders, striking out, sanction relief
- 3.15 Disclosure and inspection of documents (CPR part 31)
- 3.16 Briefing counsel (knowing your limitations, advising client)
- 3.17 Obtaining counsel's opinion
- 3.18 The Courts and Tribunals: Structure and jurisdiction: Criminal (Magistrates Court and Crown Court), Civil (County Court, High Court); appeal jurisdictions (Appeal Court, Supreme Court, European Court of Justice [Luxembourg], Article 267 (TFEU) direct, discretionary reference, Court of Human Rights [Strasbourg, 1959])

#### **4. PROFESSIONAL CONDUCT AND ACCOUNTS (II)**

- 4.1 REVISION (I)
- 4.2 SRA Code of Conduct: Chapter 11, 13A (overseas)
- 4.3 Receipts and payments: client money, office money, cash, cheques, petty cash
- 4.4 Deposits: agents, stakeholders
- 4.5 Disbursements: agency, principal
- 4.6 Accounting entries: separate office and client ledgers
- 4.7 Bank accounts (institutional lender)
- 4.8 Transfers between bank accounts and between ledgers (may and must be made), accounting entries required, interest: when paid, accounting entries required
- 4.9 Bills: submission of, reduction and payment of (VAT element), accounting entries required
- 4.10 Required accounting records for compliance SRA Accounts Rules
- 4.11 Balance sheet and profit and loss statement
- 4.12 Auditing of accounts
- 4.13 Professional indemnity insurance
- 4.14 Legal Services Act 2007

#### **5. FAMILY LAW (I)**

- 5.1 The Family
- 5.2 Marriage, civil partnership and cohabitation
- 5.3 Divorce and mediation
- 5.4 Family property (married, unmarried, complex)
- 5.5 Separation and property
- 5.6 Transnational issues: EU Rome III Regulation (The European Divorce Law Pact 2010) for applicable law, Brussels II bis 2201/2003 Regulation (for jurisdiction), maintenance orders (the 'Maintenance Regulation') Regulation 4/2009, Child Abduction: Hague Convention 1980 (civil aspects), Hague Convention 1996 (jurisdiction, applicable law)

#### **6. WILLS AND SUCCESSION**

- 6.1 Wills (principle, Wills Act 1963)
- 6.2 Intestacy (principle, Wills Act 1837, Administration of Estates Act 1925, Trustee Act 1925, Inheritance and Trustees Powers Act 2014)
- 6.3 Rights of third parties, inheritance (Provision for Family and Dependants) Act 1975
- 6.4 Probate, administration (CPR Part 57)
- 6.5 Transnational issues: EU Brussels IV Regulation 650/2012 (cross border successions)

#### **7. BUSINESS, COMPANY & TAX LAW (I)**

- 7.1 Concept and origin of companies (*Salomon v Salomon & Co. Ltd* 1896)
- 7.2 Legal personality and the law
- 7.3 Setting up a business: business plan, SWOT test, types of business organisations; sole trader, partnership, limited company (private/public)
- 7.4 Sole trader or limited company

- 7.5 Introduction to operational concepts: capital (shareholders), management (directors), human resources (employees), trading partners
- 7.6 Introduction to financial concepts: revenue, expenditure, profit/loss, balance sheet, P&L statement
- 7.7 Formation formalities
- 7.8 Promoters and pre-incorporation contracts
- 7.9 Companies Act 2006
- 7.10 Directors' duties
- 7.11 The Small Business Enterprise and Employment Act 2015

**8. WORKSHOPS: PRACTICE COMPETENCIES AND TRANSFERABLE SKILLS**

Exercises and assessments relating to practice competencies in modules 1-7 including reading cases, working on facts and issues, case brief, brief to counsel, letter of complaint, letter road accident, retainer letter, contract problem (Z), preparing for an interview, further interviewing practice (difficult clients), who is he/she/they, why is the client there, what does the client want from you, what is right for the client, identifying urgent priorities, considering effective action, considering proactive and effective planning, what are the risks/benefits attached to the advice given, empathising (language, cultural and personality issues), explaining costs issues, interview style; feedback, asking the right questions the right way, working from a bare facts structure to expand in consideration of rules to apply, considering strengths/weaknesses (30/50/70), improving poor chances/undermining good chances, supporting facts with appropriate evidence, evaluating ethical implications, reporting interviews, advising the client, brief to counsel, claim form, particulars of claim, advocacy (moot), analysing a '*ratio decidendi*', critical analysis (of judgment, essay), working on language and voice skills

JB

Last updated: May 2016