

<b>Module Title:</b>	Legal Practice and Procedure
<b>Language of Instruction:</b>	English
<b>Credits:</b>	5
<b>NFQ Level:</b>	6
<b>Module Delivered In</b>	<a href="#">2 programme(s)</a>
<b>Module Aim:</b>	The aim of this module is to guide the learner through a course of study, which should enable her/him gain knowledge of the principal methods and forums of litigation practice and to assist the learner to develop the analytical skills required to apply their legal knowledge to various scenarios.
<b>Learning Outcomes</b>	
<i>On successful completion of this module the learner should be able to:</i>	
LO1	Comprehend and explain how the courts work.
LO2	Demonstrate an understanding of the basics of civil practice and procedure in the Irish Court system from the perspective of both plaintiff and defendant in civil matters.
LO3	Demonstrate an ability to act autonomously in relation to processing a litigation file and respond appropriately as a member of a litigation team.
LO4	Demonstrate an understanding of the basics of criminal practice and procedure in the Irish Court system from the perspective of both prosecutor and accused in criminal matters.
<b>Pre-requisite learning</b>	
<b>Module Recommendations</b> <i>This is prior learning (or a practical skill) that is recommended before enrolment in this module.</i>	
No recommendations listed	
<b>Incompatible Modules</b> <i>These are modules which have learning outcomes that are too similar to the learning outcomes of this module.</i>	
No incompatible modules listed	
<b>Co-requisite Modules</b>	
No Co-requisite modules listed	
<b>Requirements</b> <i>This is prior learning (or a practical skill) that is mandatory before enrolment in this module is allowed.</i>	
No requirements listed	

## Module Content & Assessment

### Indicative Content

#### Introduction

Civil and Criminal Procedure Compared and Contrasted; burden of proof

#### Criminal Procedure

• Offences & Jurisdiction Summary Offences (with particular emphasis on the Road Traffic Act, 1961 (as amended)) Indictable Offences Offences dealt with in the Special Criminal Court Criminal Appeals Procedure Case-Stated Procedure • Summons, Arrest & Detention Summons Arrest a) With warrant b) Without warrant Record of Arrest Right to Consult a Solicitor Questioning Role of Solicitor in Garda Station Searches Fingerprinting and DNA Identity - ID parades Charge sheets and the Right to Silence.- Criminal Justice Act 2007 as amended • Remand & Bail Remand a) In custody b) On bail Procedure for Application of Bail Criminal Justice Act 2017 a) Grounds upon which bail may be granted or refused b) Independent sureties • Preparing the Book of Evidence Contents of the Book of Evidence Serving the Book of Evidence S.9A of the Criminal Justice Act (1999) The Taking of Depositions Legal Aid Witness Orders & Summons • Trial on Indictment Drafting the Indictment The Arraignment a) Pleas in Bar b) Nolle Prosequi c) Applications for Separate Trials Jury selection The role and function of Counsel

#### Civil Procedure

• Jurisdiction-where to issue proceedings • Statute of Limitations -When to issue proceedings and consequences of being 'out of time', • Initiating a Civil Action How to Stamp Issue File and Serve Proceedings in each Court MIBI High Court Pleadings The Plenary Summons( damages other than PI) /PI Summons/Special Summons(eg s.117)/Summary Summons(Liquidated amounts) The Affidavit of Verification-perjury Indorsement of Claim Appearance Statement of Claim ,Defence Counterclaim Pleadings Closed Reply and Further pleadings Pre-Trial Remedies Setting down for trial Circuit Court – Civil Bill, Notice for Particulars, Replies, Defence. District Court – Civil Summons Compromise or Settlement-the concept of 'without prejudice' Warnings around Solicitor Undertakings in Civil Litigation -

#### Procedural Matters

The Distinction between a District, Circuit etc The Master's Court, the High Court Central Office & the County Registrar Preparing a case for trial. Preparing booklets for trial. Subpoenas and witness summons. • Interlocutory Applications Notice of Motion Discovery-new e-discovery rules Preparing an Affidavit and a booklet of Discovery. Interrogatories Lodgements/tenders Joining a Co-Defendant Joining a Third Party • Licensing applications Annual Licensing

#### Enforcement of Court Orders(non debt collection)

Contempt of Court •Debt Collection Practice and Procedure Judgment through the office Motions for judgment Attachment Committal Garnishee Instalment order Sheriff Liquidation

#### Personal Injuries Assessment Board

Classes of claims considered Form A Medical Report Personal Injury Guidelines replacing the Book of Quantum

### Assessment Breakdown

	%
Continuous Assessment	100.00%

No Continuous Assessment

### Project

Assessment Type	Assessment Description	Outcome addressed	% of total	Assessment Date
Project	A project consisting of a combination of written work and an oral presentation to address all learning outcomes	1,2,3,4	100.00	n/a

No Practical

No End of Module Formal Examination

**SETU Carlow Campus reserves the right to alter the nature and timings of assessment**

**Module Workload**

<b>Workload: Full Time</b>		
<i>Workload Type</i>	<i>Frequency</i>	<i>Average Weekly Learner Workload</i>
Lecture	12 Weeks per Stage	3.00
Estimated Learner Hours	15 Weeks per Stage	5.93
Total Hours		125.00

  

<b>Workload: Part Time</b>		
<i>Workload Type</i>	<i>Frequency</i>	<i>Average Weekly Learner Workload</i>
Lecture	Every Week	1.50
Total Hours		1.50

**Module Delivered In**

Programme Code	Programme	Semester	Delivery
CW_BBLEG_C_1	<a href="#">Higher Certificate in Arts in Legal Studies</a>	4	Mandatory
CW_HHLAW_B OLD	<a href="#">Honours Bachelor of Laws Degree - LLB</a>	2	Mandatory