



Civil litigation

For the Paralegal Certificate in Civil Litigation

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An online law course for paralegals, legal apprentices and litigants-in-person.

Courses may be commenced at any time. No additional fees are charged for examination re-sits or the issuing of certificates.

This document contains important information about your course.

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Civil litigation course

Aim of the course

This course is intended for study by those who need to become familiar with all aspects of civil claims as quickly and as efficiently as possible. Primarily written for paralegals and apprentices, this course will also be useful for litigants-in-person. The aim is to help a person with, in many cases, no more than school leaver qualifications, to become legally useful in a relatively short period of time. By legally useful we mean someone who is able to handle one or more stages of a civil matter with a reasonable degree of competence and the minimum of supervision. Two things will impress your supervisor or mentor at work above all else: a preparedness to work hard and a readiness to learn from your mistakes. A good supervisor will help you to critique your own mistakes in a positive way and to learn from them.

In the case of paralegals and apprentices the more you are able to do competently, the more your firm will be able to use its senior staff on complex and strategic matters to the greater benefit of the firm (which includes you), while at the same time enabling you to improve your commercial value in the wider legal market place. For the litigant in person, the rapid development of necessary skills will help to reduce the costs in bringing or defending a claim, and also to mitigate the ever-present perils of litigation. For all categories of learner, there is the additional pleasure and confidence to be gained from obtaining a valuable set of practical skills. Once you begin to understand the law and how it works, both in and out of court, you will derive huge satisfaction from your work.

Preface

Nowadays, anyone can become a lawyer if he or she is prepared to work hard, and can get along with people, enjoys studying, and possesses a reasonable amount of patience and common sense.

Because the legal profession has opened up so much in recent years, paralegals are now handling almost all types of law work, including some work which was once reserved for solicitors and barristers. The 2012 *Skills For Justice* survey opened up matters even further, and has arguably led the way to more and more law firms adopting the legal apprenticeship approach to training. The career that you have chosen has long since shed its stuffy image and is, in fact, one of the most exciting, challenging professions available. It has a huge variety of work, and a niche for almost everyone from probate to property, from crime to commerce, from housing to human rights. The law is, literally, a field without limits. Litigants in person are also achieving considerable success in some cases and so this course is written for you if you are a litigant fighting your own case. If you are representing yourself, you may wish to read our Note to the Litigant in Person.

Thus, this course is written for anyone who wants to become a lawyer, whatever his or her background. It is true, that it might help if you have a strong academic record, but you do not need one to pass this course, and to pass it well. This is a practical course, designed to be understood by everyone who wishes to attain a working knowledge of making and defending claims in civil courts in England and Wales, including litigants in person (LIPs). The current version of the Civil Procedure Rules has been used to ensure that you are provided with the most up-to-date information, and our website will contain revisions as soon as we become aware of them. If you are working in a law firm, you should have access to online versions of the White Book and other relevant publications, as well as such valuable services as Lexis Nexis, Westlaw and Justis. Get your firm to provide training in how to use those facilities – they will be absolutely invaluable to you, and they contain an unimaginable body of learning, facts and genuine legal wisdom, not to mention legal precedents from important cases and the latest updates on legislation.

This course consists of ten modules, each dealing with a specific topic or stage in the litigation process. Every module has its own test. Periodically, questions are replaced, particularly as new rules are brought in by the Civil Procedure Rules Committee, or where there are relevant changes in the law. You will be informed of any relevant updates. The final examination for the module will be taken under more traditional examination conditions (further details below).

If you are a paralegal or legal apprentice you are encouraged to discuss your studies with a supervisor or mentor at your law firm. Nothing beats professional experience. Working in your firm on a day to day basis, alongside more experienced colleagues, will provide you with the practical aspects of what this course teaches you.

- 1. Read and study a module.**
- 2. Take the test and submit it for feedback. Wait for feedback before proceeding to the next module.**
- 3. Obtain feedback and when you are confident you have mastered the material of that module, proceed to the next module.**
- 4. The module tests can be taken open book, but try to take them without relying on anything other than what you have learned.**
- 5. This will be good practice for the final examination, which is not open book.**

Civil litigation syllabus

Certificate in Civil Litigation – Part I

Module 1: Introducing the Civil Procedure Rules

Module 2: Preliminary steps to making a claim

Module 3: Before the claim begins

This is the introductory phase of the course. It is not technically difficult material to learn, but it is important as a foundation for the rest of the course, and effective practice in civil litigation.

Certificate in Civil Litigation – Part II

Module 4: The Claim Form and Particulars of Claim

Module 5: Filing and serving a claim, defending a claim, replying to a Defence

Module 6: Module 6 Allocation, directions and disclosure Part 36 offers and ADR

Certificate in Civil Litigation – Part III

Module 7: Evidence

Module 8: Limitation

Module 9: Remedies in Contract

Module 10: Remedies in Tort

Additional documents in the Civil Litigation Course Student Material folder include: Structure of Civil Procedure Rules, Legal Citations (how to cite cases), Calculating Time in the Civil Procedure Rules and for litigants-in-person, a Note to the Litigant in Person.

The Certificate in Civil Litigation requires completion of the ten modules. The Certificate in Civil Litigation can be obtained in three stages, as indicated above. The written examination is undertaken on completion of Part III of the Certificate. The written examination may be invigilated under the supervision of an employer who will be asked to sign an attendance form.

Description of the course

The course covers the main stages of making and defending a claim in a civil court in the England and Wales jurisdiction. There are 10 modules in the course. The process of making a claim logically precedes defending a claim, which is why the module dealing with defending a claim only comes later in the course.

Part 1 – Modules 1-3 – details what must be done prior to issuing a claim, including gaining an understanding of the Civil Procedure Rules (CPR), assessing the validity of a claim, funding options, costs and pre-action conduct and protocols.

Part 2 – Modules 4-6 – deals with the Claim Form and Particulars of Claim, and filing and serving the Claim Form, defending a claim and, for the Claimant, responding to the Defence. Because of the importance in the CPR of avoiding litigation wherever possible, Part 2 also deals with making offers and the main features of alternative dispute resolution (ADR), including mediation. The student is not expected to gain advanced skills in mediation, but needs to understand how it works, its proven ability to solve disputes of all sizes, and its importance within the framework of the CPR. This section also contains material on the important subject of ethical conduct, to which you will be introduced and on which you will be tested in Module 6.

Part 3 – Modules 7-10 – begins by looking at the rules of evidence, especially those applying to hearsay, goes on to discuss Limitation in more detail than in earlier modules, and then considers remedies in Contract and remedies in Tort.

A note on ethics

If you are working in a law firm you will no doubt already be aware of the strict codes of ethics to which all lawyers, whether solicitors, barristers, legal executives or notaries, subscribe. You should consult the Institute of Paralegals code of conduct, which can be found [here](#). You should also consult with your supervisor and colleagues at work to obtain a practical, working knowledge of ethical requirements. Litigants in person are not expected to adhere to a code of ethics, but ethical conduct will be expected – and for this reason a litigant in person should take the time and trouble to familiarise him or herself with the code of ethics and adhere to it as much as possible. If a litigant in person is seen by a court to behave in an honourable and ethical way, this will be of great assistance to the court.

Further practice and knowledge

To further enhance developing skills and abilities, the student is encouraged to spend time in court whenever possible. Once a working understanding of court procedure is achieved, the student will have gained an excellent overview of the law in its most practical aspects, in addition to observing both good and bad examples of advocacy, and the conduct and etiquette practised (or in some cases not practised) by lawyers. Whether you are a paralegal or a litigant in person it is important not to allow yourself to be intimidated by established lawyers. They are a lot more human and fallible than they would have you believe.

The award of the Paralegal Certificate in Civil Litigation

As explained earlier, at the end of *each* of the ten modules of the course you will be undertaking a test. These are open book tests. The results of these 10 tests forms *50 per cent* of your final mark for the certificate. You should send that test, once completed, to us for feedback and marking. The email address to send the completed test to is given at the end of every test.

At the end of the course you will be taking a written, invigilated examination under the supervision of your employer. This written examination will form the other *50 per cent* of your final mark for the certificate. The pass mark for the certificate is *60 per cent*. You may re-take any module or the final test, but the pass mark for any such module or test re-taken will be capped at the pass rate. There are no extra costs or fees for modules or tests re-taken.

References you will see during the course: CPR = Civil Procedure Rules e.g. CPR 1.4 = Rule 1.4 of the Civil Procedure Rules PD = Practice Direction PACPD = Pre-action Conduct Practice Direction, e.g. PACPD 17 is the 17th paragraph of that practice direction. A reference to 'the act' means the last act of Parliament mentioned before that reference, e.g. "...the *Human Rights Act* 1998 for the first time incorporated the rights enshrined in the European Convention on Human Rights into British law. The act was one of the most important acts of the end of the last century". Note that a reference to an act of Parliament is in italics, and is usually followed by the act's chapter number, e.g. the *Human Rights Act* 1998, c.42. This says that the act was the 42nd act to be receive royal assent in that calendar year (not the parliamentary session).