

Welcome to the Law Foundation Programme

What will I be studying?

- Semester One:
 - Legal Foundations
 - Legal Ethics and Skills
 - Legal Research
 - Critical Writing

- Semester Two:
 - Criminal Process and Liability
 - Theft, Murder, Sexual Offences
 - Introduction to Civil Law and Obligations
 - Contract, Tort and Equity & Trusts
 - Management
 - Interactive Learning Skills and Communication

Legal Skills and Ethics

- Dr Fola Adeyemo

- Office Hours:

Wednesdays – 2pm -4pm

By appointment

- Contact Details:

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Health and Safety

- Fire Exits
- Assembly Points

Aims

- To equip students with the ability to take notes and develop
- To develop presentation skills
- To understand the role of the judiciary and the legal profession
- To learn how to keep a portfolio of work

Objectives of the course

- To provide an introduction to legal ethics and skills
- Helping you to understand the techniques of legal reasoning
- Introducing you to some of the key skills of lawyers and the operation of the legal system
- To identify main concepts of law and its application
- To help students understand different areas of law (criminal law, law of civil obligations etc.)

Ground Rules

- No talking over each other
- No mobile phones
- No chewing gum
- Respect
- No food and drink – water allowed 😊

Course Outline and Structure

- Introduction to the legal system
- Court hierarchy
- Court Visits
- Sources of Law
- How to avoid plagiarism and maintain academic integrity
- Doctrine of precedent
- Note taking skills
- Court Portfolio
- Group presentation

Recommended Books

- Slapper, G and Kelly, D *The English Legal System* (16th edition Routledge 2015) – Ch 1
- Elliott, C. and Quinn, F, *English Legal System*. (16th edition, London: Pearson 2015). pp1-6
- Finch, E and Fafinski, S *Legal Skills* (5th edition OUP 2015)
- Rivlin, G. *Understanding the Law*, (7th Edition. OUP 2015) – Ch 6

Assessment

- Assessment A – Oral Presentations
 - - group presentations
- Assessment B – Individual appointments
 - - discussion of your portfolio
- Assessment C – Work completion of portfolios

Expectations

- What are my expectations?

- What are your expectations?

Lesson Structure

- Two hour lecture
- Two hour tutorial
- Interactive – opportunity for you to ask questions
 - Tutorial Questions will be done in the class
 - They must be typed up – Please ensure you bring you laptops to class
- Attendance!

Introductions

- Introduce yourself to the person beside you
- 1. Where are you from?
- 2. What was your last holiday destination?
- 3. An interesting fact about that person

Why do you want to study law?

- Write five reasons why you want to study law?
 - Why do you think this is the right course for you?
 - What do you hope to achieve?
 - What is your end goal?
-
- 20 minutes exercise

Lawyers?

- What are lawyers?

- In the UK, there are two branches

1. Barrister
2. Solicitor

(We will look at this in week 9)

- What do they do?

- What is their job?

Judges?

- What is a judge?
- What do they do?
- What is their responsibility?

You as a lawyer

- What do you think your responsibility as a lawyer is?
 - Maintaining professional integrity?
 - What do you understand 'Ethics' to be?
- Critical analysis?
- Attention to detail?
- Reasoning?

Law in Action

- Law in Action. Radio 4.

http://news.bbc.co.uk/1/hi/programmes/law_in_action/default.stm

- <http://www.bbc.co.uk/programmes/p02t7f5n>

Criminal Law v Civil Law

- What is criminal law?
 - What is your understanding of this concept?
 - Examples?
-
- What is civil law?
 - What is your understanding of this concept?
 - Examples?

Private Law v Public Law

Public and Private Law

- **constitutional & administrative law** is part of **public law**, i.e. the law which is very closely connected with the state itself; (the composition, function and regulation of public authorities), and with matters concerning the community as a whole.
- **criminal law** is also part of **public law**, i.e. it generally involves behaviour which the majority of a society does not wish to tolerate, so that society will set out to punish or deter such behaviour and possibly make provision for the rehabilitation of the perpetrator.

Civil Law

- **civil law** is also known as **private law** because it concerns the rights and duties of individuals with others. It relates to those areas of law governing *private* obligations (and there is often little or no state interest at all).
- **Contract law** - deals with the enforcement of legally binding agreements voluntarily assumed by the individuals concerned. Legal duties are fixed by the terms of the contract itself.
- **Torts** - civil wrongs for which liability is incurred by one individual (or corporation) against another. Torts create duties owed by individuals to others which are fixed by the law itself; i.e. there is no need for any contractual agreement between them.
e.g. negligence, nuisance, trespass, defamation.
- **Property law** - concerns the ownership and use of land and all other property, as determined by law. e.g. conveyancing, landlord and tenant law, mortgages, wills and succession, trusts, patents.

Objective

criminal law exists to

- punish
- deter
- rehabilitate

civil law aims to

- compensate
- provide remedies
- resolve disputes

Outcome/Overall Effect

criminal law

The usual outcome of criminal proceedings, following a guilty verdict, is punishment of some sort e.g.

- imprisonment
- tagging
- fines
- community service order
- probation

Result/ Outcome

civil law

The usual outcome of civil court proceedings is a judgment for any of the following:

- **damages/compensation** – for the victim
- **injunction** -court order not to do something
- **rectification** –alteration of a legal document
- **rescission** –court order to return the parties to their pre-contractual position
- **restitution** – deprive the defendant of a gain
- **specific performance** - court order to do something

Note: In criminal proceedings the court may also order the offender to pay compensation to the victim

Criminal and Civil Courts

Supreme Court

Court of Appeal
(Criminal Division)

Crown Court
(major crimes)

Magistrates' Court
(minor crimes)

Supreme Court

Court of Appeal
(Civil Division)

High Court
(larger claims)

County Court
(smaller claims)

Note: The possibility of cases heard throughout the UK proceeding to the:

Court of Justice of the European Union (Luxembourg)

if the matter(s) under consideration fall within European Union jurisdiction, and/or the

European Court of Human Rights (Strasbourg)

if there is a potential breach of the European Convention on Human Rights 1951.

Proceedings

A crime is a public wrong -

threatening the security and well-being of society, therefore:

- Most criminal prosecutions are undertaken by the State on behalf of the individual(s) concerned and usually brought by the Crown Prosecution Service, local authorities, other public officers.
- Any citizen can bring a criminal prosecution, whether or not s/he has suffered any special harm in excess of that suffered by the general public.

In reality private prosecutions are rare.

Note: Once started, an individual cannot stop the prosecution for it is the concern of every citizen and not just his/her own. Only the Crown, (AG/DPP) may stop proceedings, with or without the consent of the prosecutor.

Proceedings

Civil wrongs are private wrongs - therefore:

- Only the injured person may sue
- S/he may discontinue proceedings at any time
- If successful, s/he can still forgive the offender and end his/her liability.

Terminology and Key Phrases

Criminal law

The prosecution prosecutes the defendant/accused; e.g. R (= Rex/Regina) v. Smith.
If found guilty, the outcome is a verdict, followed by the sentence for the defendant.

Civil Law

The claimant, (previously the plaintiff), sues the defendant; Jones v. Smith.
If found liable, the outcome is the judgment, followed by a remedy for the claimant.

Note: if either party wishes to appeal, the person appealing is the appellant; the other party is the respondent.

Presumption of Innocence

Criminal law

There is a presumption of innocence in favour of the defendant. This imposes additional restrictions on evidence that may be introduced by the prosecution.

R v Woolmington 1935

Civil law

No presumption is made in favour of either party.

Standard of Proof / Burden of Proof

criminal law - beyond reasonable doubt.

civil law - on the balance of probabilities.

Note: English law applies to England and Wales. Scotland and Northern Ireland have their own legal systems.

Homework

- Find a newspaper article or video clip which presents information on an aspect of law that you are interested in.
- Identify and classify the legal issues being raised.
- You will present this back to the class – 5 minutes max