

PEAT 1 Outcomes - Litigation

Notes:

1. Positive Indicators are not exhaustive, and are indicators of student achievement.
2. The Society reserves the right to update the Mandatory and Core Outcomes should that be necessary, and will give sufficient notice of this.

4. Litigation		
	4 (i) Civil Litigation - Court of Session and Sheriff Court By the end of the programme students should be able to:	Positive indicators
1.	Demonstrate knowledge and understanding of the ways in which civil litigation may be funded.	Is able to identify possible funding bases for given case; can explain the characteristics of each type of funding identified; is able to identify consequences for client of each type of funding. Can identify principles applied in making awards of expenses. Is able to explain what amounts to success in a speculative action; is able to identify the circumstances in which the client's interests (or desires) may diverge from those of the lawyer(s); is able to explain the nature of that conflict and how it may be resolved.
2.	Demonstrate knowledge and understanding of the concepts of specification and relevancy in civil procedure.	Is able to explain the nature of relevancy; is able to draft pleadings which are essentially relevant; is able to draft pleadings which are sufficiently specific to give fair notice of the client's case.

4. Litigation		
	4 (ii) Civil Litigation - Court of Session By the end of the programme students should be able to:	Positive indicators
1.	Demonstrate knowledge and understanding of jurisdiction and the procedural sequence of events in an ordinary action.	Is able to explain the statutory and common law bases of the court's jurisdiction. Is able to describe the steps in an ordinary action; is able to describe the steps in the correct order; is able to explain the points at which there may be a range of procedural options; is able to explain the respective roles of the parties and the Court in progressing an action; is able to locate the text of Practice Notes and to explain their relevance; is able to explain when Convention rights may bear on the process. Shows knowledge and understanding of the means by which actions are resolved short of proof and the procedure arising on settlement; understands purpose and use of caveats.
2.	Demonstrate knowledge and understanding of the different kinds of process competent in the Court of Session, and the operation of Offices of Court.	Is able to explain that a summons is appropriate in an action to vindicate a right; is able to explain that a petition is appropriate where statute requires it or where the applicant is seeking the assistance of the court. Is able to describe the divisions and work of the Offices of Court.

4. Litigation		
	4 (iii) Civil - Sheriff Court By the end of the programme students should be able to:	Positive indicators
1.	Demonstrate knowledge and understanding of the different kinds of actions competent in the Sheriff Court and the All-Scotland Sheriff Court (Sheriff Personal Injury Court).	Is able to describe and distinguish between Ordinary actions, simple procedure and Summary Application actions, the procedural limits for each and have an understanding of when each would be appropriate.
2.	Demonstrate knowledge and understanding of the jurisdictional requirements of Sheriff Court actions, including appeals to the Sheriff Appeal Court and Court of Session.	Is able to identify geographical, contractual, privative and other jurisdictional requirements, as well as practical reasons why a particular court should be chosen. Is able to describe procedures by which appeal may be taken; is able to explain the circumstances in which each is appropriate.

4. Litigation		
	4 (iv) Settlement By the end of the programme students should be able to:	Positive indicators
1.	Demonstrate an understanding of the issues which arise in the settlement of litigation.	Can explain and discuss how actions are settled. Is able to identify relevant taxes.

4. Litigation		
	4 (v) Criminal - High Court and Sheriff Court – Stage 1 By the end of the programme students should be able to:	Positive indicators
1.	Demonstrate knowledge and understanding of the operation of the Criminal Legal Aid scheme – both as to advice and as to representation.	Is able to explain the difference between advice and assistance, and legal aid for representation; is able to describe the circumstances in which criminal advice and assistance is available; is able to explain the process of granting advice and assistance; is able to describe the circumstances in which criminal legal aid is available; is able to describe the process of granting legal aid.
2.	Demonstrate knowledge and understanding of the obligations on a solicitor in relation to Legal Aid both generally, and with particular reference to a change of agency in a criminal case.	Is able to identify circumstances where legal aid may be available; asks appropriate questions of client; is able to explain advice and assistance, and full legal aid to client; is able to explain the role of client contribution, if appropriate; is able to explain circumstances in which legal aid may be withdrawn. Refers to the Society's rules and guidance on changes of agency.
3.	Demonstrate knowledge and understanding of the procedural sequence of events in summary and solemn procedure in the Sheriff Court and in the High Court.	Is able to describe the steps in a summary complaint and in a case on indictment; is able to describe the steps in the correct order; is able to explain the points at which there may be a range of procedural options; is able to explain the respective roles of the parties and the Court in progressing an action. Is able to explain the statutory bases of the sheriff court's jurisdiction; is able to explain the statutory and common law bases of the High Court's jurisdiction; is able to describe the procedural rules both in the abstract and with reference to particular fact situations; is able to distinguish between the various substantive hearings in the procedural life of both a summary complaint and a trial on indictment.

4. Litigation		
	4 (vi) Criminal - High Court and Sheriff Court – Stage 2 By the end of the programme students should be able to:	Positive indicators
1.	Demonstrate the ability to conduct incidental motions and intermediate diet in a summary complaint.	Deploys factual and legal evidence at appropriate junctures during submission; structure of submission is clear and cogent; adheres to client or supervisor instructions; can relate client objectives to decision-maker at appropriate juncture in submissions; can respond appropriately to points raised by decision-maker or opponent about these. Deploys factual and legal evidence at appropriate junctures during submission; structure of submission is clear and cogent; adheres to client or supervisor instructions; can relate client objectives to decision-maker at appropriate juncture in submissions.
2.	Demonstrate the knowledge and understanding as to how a straightforward summary trial is conducted.	Forms a theory of the case; is aware of the relevancy of particular facts and legal principles, including case and/or statutory citations; recognises appropriate form of questions which are relevant to case theory and appropriate advocacy techniques.
3.	Demonstrate the ability to make a plea in mitigation in a straightforward summary complaint.	Deploys factual and legal evidence at appropriate junctures during submission; structure of submission is clear and cogent; adheres to client or supervisor instructions; can relate client objectives to decision-maker at appropriate juncture in submissions; can respond appropriately to points raised by decision-maker or opponent about these.
4.	Demonstrate knowledge and understanding of the appeal procedures which are open to an accused person following conviction and sentence.	Is able to describe procedures by which appeal may be taken; is able to explain the circumstances in which each is appropriate; is able to describe procedural steps; is able to describe remedies available to appellate court.