

on a purely theoretical basis (as Radbruch and Fuller might maintain). Thus, compliance with an evil law provides no defence for Fuller, whereas it would for Hart, in general terms.

3.4 Module 21 Professional Research, Practice and Advocacy

3.4.1 Headline information about the module

Module title	Professional Research, Practice and Advocacy
Module NFQ level (only if an NFQ level can be demonstrated)	8
Module number/reference	Module 21
Parent programme(s) the plural arises if there are embedded programmes to be validated.	LLB (Hons)
Stage of parent programme	3
Semester (semester1/semester2 if applicable)	Semester 2
Module credit units (FET/HET/ECTS)	ECTS
Module credit number of units	5
List the teaching and learning modes	Full-Time, Part-Time,
Entry requirements (statement of knowledge, skill and competence)	Successful completion of Stages 1 and 2 of the programme
Pre-requisite module titles	None
Co-requisite module titles	None
Is this a capstone module? (Yes or No)	No
Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff (staff includes workplace personnel who are responsible for learners such as apprentices, trainees and learners in clinical placements)	Lecturers are expected to hold at least a level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Training and Education provided by Griffith College.
Maximum number of learners per centre (or instance of the module)	60
Duration of the module	One Semester, 12 weeks
Average (over the duration of the module) of the contact hours per week (see * below)	2
Module-specific physical resources and support required per centre (or instance of the module)	Lecture room with internet access and digital projector.

Analysis of required learning effort (much of the remainder of this table must also be presented in the programme schedule—take care to ensure consistency)										
Effort while in contact with staff										
Classroom and demonstrations		Mentoring and small-group tutoring		Other (specify)		Directed e-learning (hours)	Independent learning (hours)	Other hours (specify)	Work-based learning hours of learning effort	Total effort (hours)
Hours	Minimum ratio teacher/learner	Hours	Minimum ratio teacher/learner	Hours	Minimum ratio teacher/learner					
24	1:60						101			125
Allocation of marks (within the module)										
				Continuous assessment	Supervised project	Proctored practical examination	Proctored written examination	Total		
Percentage contribution				100				100%		

3.4.2 Module aims and objectives

This module aims to impart in learner's written and oral advocacy skills which are central to legal professional training and to enable learners to prepare mock cases and argue the law on behalf of their clients. Following a series of introductory classes, learners draft a written memorial of legal submissions, and then undertake a moot at the conclusion of the module. The module serves to train learners in analysing legal issues and to communicate well about them and to increase learners' abilities to solve problems and to see the practical application of law. Learners get opportunities to demonstrate an understanding of the ethics required to work with the legal sector and the importance of confidentiality and candour, identifying situations in which ethical behaviour and confidentiality apply.

3.4.3 Minimum intended module learning outcomes

On successful completion of this module, learners will be able to:

- (i) Critically analyse and apply law to factual scenarios
- (ii) Investigate legal principles through utilisation of library and online research skill
- (iii) Debate and participate with peers on a team
- (iv) Develop written legal submissions
- (v) Produce a skeleton argument and list of authorities
- (vi) Communicate orally legal argument in an effective and persuasive manner
- (vii) Analyse ethical norms to guide their professional practice

3.4.4 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

This module traces its origins to a desire to provide learners with skills and basic competencies in legal work. It also provides learners with skills in oral and written advocacy that will be useful to them whether they choose to enter traditional legal professions, or apply their knowledge in other ways. It also introduces aptitudes necessary a modern workplace, such a group work and presentation skills. Globally, it allows learners to draw upon the theory, skills, and knowledge they have acquired throughout the programme to date, as well as to identify, with the assistance of formative assessment and feedback, areas of strength and in need of improvement, and to make appreciable and demonstrable progress in the development of the above skills. Overall, the module satisfies IPLOS 3, and 5-10 which focus on the ability of learners to apply and demonstrate a wide variety of skills and knowledge in both theory and praxis.

3.4.5 Information provided to learners about the module

At the start of the Academic Year, learners will receive their Faculty Handbooks. The Faculty Handbook provides general information about the faculty, its staffing, resources, and operation. Detailed programme information is supplied through Moodle, including copies of the approved module descriptors from the accredited programme along with a programme timetable detailing related teaching, learning and assessment.

During the first class of the module, learners receive a detailed outline of the module showing the schedule of delivery and the dates when assignments are released and due for submission.

Moodle is used to provide learners with ongoing access to module related information, from the handbooks and module outlines provided in advance of the module commencement, the lecture material and links to related resources provided on a scheduled basis in line with the module delivery.

3.4.6 Module content, organisation and structure

This module is delivered over 12 weeks with two hours of lecture each of those weeks. The subject matter covered in the course is organised into four headings as outlined below.

Professional Ethics

- Professional ethics for solicitors, barristers and legal executives Legal Research
- Introduction to legal research and writing in practice
- Lab session – Online research skills
- Written advocacy and neutral evaluations of the law
- The Importance of structure and readability in reports Trial Advocacy
- Introduction to advocacy
- Analysis of sample memorials
- Analysis of case study in groups
- Production of applicant and respondent memorials
- Preparation of skeleton argument and book of authorities Professional Development

- Developing reflective practical and critical thinking
- Improving concentration and active learning
- Analytical reading and critical analysis
- Academic writing
- Preparing for and presenting effectively
- Problem solving
- Written and verbal communication skills, how to use them

3.4.7 Module teaching and learning (including formative assessment) strategy

The module is delivered by means of participative lectures which consist of tutorial-style discussions, group work sessions and exercises. Learners also engage with legal materials in the course of preparing oral and written advocacy. Formative assessment is provided through tutorial-style discussion, group work and exercises focus on specific case law and problem-based learning as well as mooted exercises requiring the learner to analyse the law and apply it to circumstances that simulate the actual skills and considerations involved in the practice of law. The lectures are supplemented by structured on-line resources and reading.

Learners are encouraged to engage in reflective practice throughout the duration of the module and to analyse the materials used in the module through the lens of their own experiences and to make critical judgments regarding the desirable course of action in a given scenario or the proper legal theories and arguments to be advanced in the resolution of a legal question.

Learners undertaking the course via blended learning benefit from varied and additional options for engagement to compensate their reduced attendance of campus. These include webinars, screencasts (recorded lectures), discussion fora, and increased use of the College's VLE (Virtual Learning Environment), Moodle.

Guest lectures and site visits may be incorporated into the module to reinforce concepts. In addition to what has been stated, classroom assessment and benchmarking techniques are deployed to encourage learners to develop more agency in terms of their own learning including in-class presentations, group work, peer-review exercises and reflective practice. The variety of teaching, learning and assessment techniques reflect an enhanced emphasis on skills acquisition to deepen practical knowledge. Finally, the attention of learners is drawn to current industry practice and technology used in the specific area of law to add a further dimension to learning, tracking the actual practice of legal professionals.

3.4.8 Work-based learning and practice-placement

Miscarriages of Justice is a classroom-based module and does not require work-based learning and practice elements.

3.4.9 E-learning

Moodle, the College Virtual Learning Environment is used to disseminate notes, advice, and online resources to support the learners. The learners are also given access to Lynda.com as a resource for reference.

3.4.10 Module physical resource requirements

Requirements are for a fully equipped classroom. The classroom is equipped with a PC and Microsoft Office; no other software is required for this module.

Moodle can be accessed in the learner's home, various open labs on campus and in the library.

3.4.11 Reading lists and other information resources

Kee, C. (2006) The Art of Argument: A Guide to Mooting. Cambridge: Cambridge University Press

Richardson, E (2019) A Guide to Mooting in Ireland, Clarus Press

Snape, J. & Watt, G. (2010) How to Moot: A Learner Guide to Mooting. Oxford: OUP

3.4.12 Specifications for module staffing requirements

Lecturers qualified to at least a Level 8 legal qualification (LLB (Honours), BBL, BALB, preferably with a professional legal qualification and a third level teaching qualification (e.g. Certificate in Training and Education).

Learners also benefit from the support of the Programme Director, Programme Administrator, Lecturers, a dedicated Learning Technologist, Learner Representative, and Students' Union and Counselling Service.

3.4.13 Module summative assessment strategy

There are five separate components to the summative assessment for this module.

Component

1. No.1 assesses the ability of the learner to investigate a case problem and to draft legal submissions; this is assessed through the submission of a written memorial. Component
2. No.2 assesses the ability of the learner to marshal effectively and for the purposes of an oral argument in a moot court scenario. Component
3. No.3 assesses the learner on the preparation of a report on a set research question distributed in class within a limited timeframe. Component
4. No.4 assesses learners as they present a report of their findings in respect to assessment component 3 using appropriate presentation tools within a limited timeframe.
5. No.5 Finally, component 5 assesses learners on the creation of an e-portfolio of work produced in the module.

No.	Description	MIMLOs	Weighting
1	Written Memorial	i, ii, iv, v	20%
2	Oral Argument	iii, vi	20%
3	"Short-Fuse" Memorandum	i, iv, v	20%
4	Presentation of Memorandum	lii, vi	20%
5	Reflective Journal	li, vii	20%

3.4.14 Sample assessment materials

Sample Component One

Internal Memorandum:

Law Firm of International Human Rights Lawyers
Gatto, Mathews & Associates
Internal Client Memorandum: Private and Confidential

To Associate:

From Managing Partner: Marcus Gatto Regarding Client: Michael Doyle

Michael has contacted our firm seeking a clarification of his rights. Michael was born Michaela, a biological female, on the 3rd of September 1986. From an early age, Michael felt that although his body was female, in fact, he always regarded himself, in his self-perception, as a male. At the age of eighteen, Michael began hormone treatments to appear more masculine, and underwent prescribed psychological evaluations, with a view to undergoing eventual gender reassignment surgery. In preparation for an upcoming vacation to Boston, Michael went to the civil registrar to have his gender on his official documents, including his passport, changed to male to reflect his identity—as Michael now presents himself and dresses as a male. The civil registrar refused, stating that the office would not change the documents. Michael would like to know if the refusal by the Civil Registration Office is a violation of his rights. Please compose a legal memorandum detailing the positive law and previous cases this issue, or on related issues, which may be instructive in this case.

Requirements:

- Your essay must be 2,000 words (+/- 10%).
- You must state clearly the question presented.
- You must reference as well, at minimum:
 - At least three cases
 - At least a total of 3 books and/or articles; appropriate sources may be accessed online

N.B.: Be cautious when depending upon or citing online sources

Endnotes and OSCOLA Ireland formatting must be used throughout the essay, but there must be a specific table of references at the end of the document.

Sample Component Two

For the oral presentation assignment, you will be arguing before a fictional Irish Court of Appeals. The appeals tribunal will be composed of three judges. You will present your arguments in pairs (Appellant/Appellee in each case), where the appellant will present first. You should prepare 10 minutes of argument in advance. Each party will be allotted 15 minutes total, yet, as we will discuss the ability to prepare is problematised somewhat by the fact that the judges are able to interrupt with questions during the presentation.

We will examine ways to best prepare in class and listen to examples from the ITT-Chicago Kent Oyez Project of arguments before the Supreme Court of the United States. For our purposes, the factual scenario will be as follows: each one of the clients named in your original assignments has lodged her/his case before the state and had a judgment entered against them in the court of first instance. These clients are now appealing these judgments. While at the appeals level, the clients may pursue varied legal theories, your work and your argument will focus solely on Irish jurisprudence (just as with your first assignment).

Sample Order:

Call to order/announcement of the case. Appellant Argument
Appellee Argument Sample Structure:

“May it please the Court? My name is _____, and I represent the Appellant/Appellee in this appeal.”

You will then name the specific points of law that your client feels were wrongly/rightly considered by the lower court, and the specific remedy that is sought.

The judges can and will interrupt your presentation with questions which must be addressed at the time they are asked (i.e., you cannot say “I will come to that later in my presentation”)

Judges are to be address as, *“My Lord,”* or simply, *“Judge”*.

An adequate to excellent oral argument will be well-structured, addressing all points which need be addressed in order to secure the relief sought. The questions by the judges will disrupt the flow of your presentation, but it is important that these questions are answered candidly and accurately, but also set in a light that is optimally favourable to your client.

After the questions have been answered, you should continue with the main structure of your argument. The interrogatory element of the oral argument contributes to the difficulty of preparation; however, you will be able to anticipate the questions that will be asked and should have answers prepared to ensure that you do not give the impression of being unprepared or as not having adequately considered the dimensions of the case.

In the situation of an oral argument, you will be engaging in advocacy, meaning that you will be urging the court to adopt a certain position with regard to the case, and to adopt your interpretation of the law, as it applies to the facts presented. In your first assignment, you

were engaging in research as you were expected to give an accurate representation of the law, and the likely outcome of the case. Do not remain agnostic as to the decision the court should reach, you must urge the viewpoint desired by your client.

It will be helpful to practice your presentation, and I would suggest that you meet with opposing council and review your arguments with one another. In the end however, while this is an adversarial exercise, it is not akin to a debate, and you will not be addressing opposing council, but rather the court itself, urging it to adopt your point of view.

In order to make your presentation more effective, remember to maintain eye-contact with the judges. While you should make reference to a written outline, or note cards, try to read your argument as little as possible. Theatrics, colloquialisms, etc. are not well-received in a courtroom setting, and the register of your style and grammar should remain formal and refined. There is no jury, no audience—just you, opposing counsel, and the judges deciding your case.

The presentations will take place on the _____. It is not necessary to submit an outline or any text prior to that date. Grading will be limited entirely to the presentation given at that time and will be focused, in the main, on how well you present your specific case with reference to the relevant law.

Sample Component Three

Prompt: prepare a legislative update memorandum detailing the implications of the recently passed Employment Bill on zero-hour contracts.

Requirements:

- Your essay must be 2,500 words (+/- 10%).
- You must only research and report on the question presented. You must reference as well, at minimum:
 - At least three cases
 - At least a total of 3 books and/or articles; appropriate sources may be accessed online

N.B.: Be cautious when depending upon or citing online sources

Endnotes and OSCOLA Ireland formatting must be used throughout the essay, but there must be a specific table of references at the end of the document.

Sample Component Four

Prepare a 10-15-minute presentation based on your legislative update memorandum previously submitted. It is not necessary to submit an outline or any text prior to that date. Grading will be limited entirely to the presentation given at that time and will be focused, in the main, on how well you present your research with reference to the relevant law.

Sample Component Five

E-Portfolio:

Participants will be assessed on their ability to reflect on and evaluate their experience on the module in the form of the compilation of a 'Professional Development Portfolio'.

At a minimum your (e)Portfolio will provide:

- A demonstration of knowledge and understanding you have developed, during the course of the module (500-600 words);
- Drawing on the work you did in preparation for your practical assessments, and the work you did for the written assessments, reflect on the issues that arose for you in module and the impact it would have on your practice (500-600 words);
- Drawing on the preparatory work and assessment that you did for the practical role-play assessment completed in module reflect and evaluate your performance as an advocate (i.e. tools and techniques used to create an appropriate environment, and strategies you used to deal with any issues that arose) making reference to areas that work well for you in terms of engaging with other parties, and areas that require further academic and professional development on your behalf.)

(800-1000 words).