

## **Civil Litigation Examination**

### **General Notes:**

- Examination is taking place in May 2024 – Please look at your timetables for details of the examination.
- Open-book exam – you can take in 2 pieces of A4 paper. Students can write on each side of the paper meaning 4 sides of A4 in total.
- The exam will take the form of case study questions similar to those we have done in class throughout the course of the module. There will be 2 case studies and you must answer all of the questions.
- Please read the questions and the accompanying documentation thoroughly.
- Answer the questions in full, not one word answers or ‘yes or no’.
- Consider the weight of the question, for example, a question worth 10 marks would require more information than a question worth 2 marks.
- Make sure you back up your points with the relevant Civil Procedure Rules and any relevant Practice Directions as this will help you attract marks.
- Please state the full terminology before abbreviations, for example, Civil Procedure Rules hereafter CPR.
- Apply the facts of the case study to your answers where appropriate.

### **Themes in the exam:**

- **SRA Code of Conduct**
  - Put yourselves in the mindset of a fee earner at a firm. Think about your duties as a professional and potential conduct issues that may arise.
- **Costs and funding**
  - Consider the funding options that are available in Civil Litigation matters.
  - Your answers will need to detail what the funding methods mean to you’re your understanding. You will lose out on marks if you simply state a funding method without explaining what it means and what it may mean for the client.
- **Starting court action**
  - Consider the relevant forms and timetable for this process.
- **Interim payment**
  - Consider the process – is there anything you can do before issuing an application?
  - What documents may need to be issued?
  - Relevant CPR
  - How will the defendant respond?
  - Who awards interim payment?
  - Apply the criteria and say whether or not an application would be successful or not will be successful or not.
- **Part 20 third party counter claim**
  - R20.5 – think about the necessary steps to bring this claim.
- **Default judgment**
  - Relevant CPR
  - Consider the process
- **Application to have judgments set aside**
  - Relevant CPR
  - Consider the process

- **Witness evidence**
  - Consider the evidence
  - Think about any procedural steps
  - Relevant CPR
- **Expert evidence**
  - Consider the format of any expert evidence
  - Relevant CPR