



F7-Working in Civil Litigation

Foundation Stage

2025-2026

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The aim of this module is to give you an overview of how disputes are resolved through the litigation process and alternative dispute resolution methods. You will cover many of the key stages of a litigation case, from initial considerations to trial. You will apply your knowledge to practical scenarios.

The module covers:

1. Establishing a cause of action
2. Alternative dispute resolution
3. Funding civil actions
4. Commencing a civil action
5. Defending a claim
6. The court's case management powers
7. Interim applications
8. Disclosure and inspection
9. Settlement before trial
10. Evidence
11. Preparation for trial
12. Trial, costs and appeals
13. Enforcement
14. Communication, Conduct and Professional Ethics

Learning Outcomes

By the end of this module, you will be able to:

1. Explain the context of civil litigation within the English and Welsh legal system
2. Identify how civil actions are funded
3. Advise how to commence and defend actions in civil proceedings
4. Describe the court's case management powers
5. Identify the purpose of disclosure and inspection
6. Describe why an interim application may be made
7. Advise what is required in preparing for trial
8. Advise what happens at trial and its outcomes, including costs, appeals and enforcement
9. Recognise regulation, including the duties and responsibilities of the SRA Code of Conduct and the CILEX Code of Conduct
10. Demonstrate the skills required for effective communication with clients

Details of updates included in 2025-2026 Module Specification

- Separation of 1, into a) contract and b) tort
- 1b: clarification types of 'negligence' claim
- 1b: addition of types of nuisance claim
- 2b: addition: 2024 CPR changes to case management, directions and costs
- 4a: rewording of 'duties and responsibilities' bullet
- 9b: removal of discontinuance from title
- 14d: addition of vulnerable clients to ensuring client needs are being met

1. Establishing a cause of action

One of the first considerations when providing advice is whether the facts of the dispute give right to a cause of action. Gaining basic knowledge of contract and tort law, you will be able to determine whether a cause of action arises and how this must be identified before a valid claim can be considered.

a) Introduction to Contract Law

- The elements needed to form a contract in outline
- Types of terms within a contract
- Breach of Contract
- Recoverable losses
- Other remedies

b) Introduction to Tort

- Types of negligence claim – EL/PL and RTA claims
- The elements of a claim in negligence
 - Outline of duty and breach of duty
 - Causation – the basics
- Losses that can be recovered
- Types of nuisance claim

2. The overriding objective and Alternative Dispute Resolution

The court controls the litigation process even before a claim has been issued. The court wants the parties to fully consider the possibility of settlement. You will therefore need to know the following:

- a) The framework for litigation
 - The Civil Procedure Rules
 - Part 1: The overriding objective
- b) Awareness of methods of Alternative Dispute Resolution (ADR)
 - Litigation as a last resort
 - The aims of ADR and the court's approach
 - Consideration and timing of ADR
 - Mediation
 - Early Neutral Evaluation
 - Arbitration
 - Negotiation including round table meetings

Potential costs consequences, and court's power (Halsey v Milton Keynes General NHS Trust [2004]; Churchill v Merthyr Tydfil County Borough Council [2023]; 2024 CPR changes to case management, directions and costs)

3. Funding civil actions	It is essential to understand how your client will fund a civil action. You must therefore be able to: a) Explain the different funding models that are available and how they operate, including: • Private and public funding (legal help and representation) • Conditional fee arrangements • Damages-based agreements • Before the event and after the event insurance • Trade union funding
4. Commencing a civil action	You will understand how to commence a civil action. You will need to know the following: a) Preliminary practical considerations before commencing a new matter, including: • Sending a client care letter • Complying with money laundering requirements • Complying with regulatory duties and responsibilities of the code for professional and personal conduct • Conducting a conflict search • Considering jurisdiction and where proceedings should be commenced • Considering legal capacity • Considering limitation periods • Reminding the client of their disclosure obligation (i.e. to preserve all documentary (real/electronic) evidence). b) Overview of the Pre-Action Protocols: • The Practice Direction on Pre-action Conduct and Protocols; when it is applicable & requirements • The Low Value EL/PL and RTA protocols • The Protocol for Personal Injury Claims c) You will understand how to initiate proceedings, including: • Completion of the N1 claim form • The purpose of the Particulars of Claim (Part 16) • Deciding in which court to issue the claim • Service of the claim form in the jurisdiction (understanding of CPR 6.3). d) You will be able to apply your understanding of initiating proceedings to a practical scenario.

5. Defending a claim	You will understand how a defendant may respond to a claim issued against them. You will need to know the following: a) How a defendant would admit, partially admit and deny (Part 16), including: • Requirements of the response pack and Acknowledgement of Service within Form N9A/B/C/D • Consequences of not filing a response • request for default judgment (Part 12). • setting aside judgment (Part 13) b) How and when a defendant might make a counterclaim: • counterclaim as a claim in its own right • counterclaim brought by an existing defendant against the claimant c) You will be able to apply your understanding of the rules regarding defending a claim to a practical scenario. For example, you will be able to complete elements of forms N1, N9 and draft a simple defence.
6. The court's case management powers	The courts have wide case management powers. After a defendant has filed its defence, the court will provisionally allocate a claim to the most appropriate track. The parties will be asked to complete a directions questionnaire to help the court firmly decide on the correct track and the future directions for the case. You will need to know the following: a) The court's case management powers • Part 3: General powers (CPR3.1; 3.4 and 3.9) b) How the court decides an appropriate track for a case • Small Claims Track, Fast Track, Intermediate Track, and Multi Track • Criteria determining track allocation and reasons considered by the courts c) Purpose of the directions questionnaire and the court's directions • Directions questionnaire and content • Standard directions • Agreeing directions ○ Varying standard directions ○ Seeking permission to use expert evidence d) You will be able to apply your understanding of the court's case management powers to a practical scenario.

7. Interim applications	During the litigation process, it might be necessary to make an application to the court to ask for the court's assistance. You will need to know the following: a) Part 23 - Procedure for Interim Applications b) General applications • Common reasons, grounds and procedure for interim applications: ○ issues relating to non-compliance with directions; ○ application under Part 18 ○ interim payment ○ striking out Part 3 ○ summary judgment Part 24 c) The difference between 'on notice' and 'without notice' applications d) Costs orders on interim applications (Part 44)
8. Disclosure and Inspection	Disclosure and inspection is a key stage in the litigation process, as litigation in England and Wales is conducted using a 'cards on the table' approach. Even before proceedings have been issued, the parties must consider disclosure of documents, with the aim of resolving the matter at an early stage if possible. You will need to know the following: a) The process and purpose of standard disclosure: • Part 31 • Duty of disclosure • Meaning of disclosure • Reasonableness of search • Ongoing obligation to disclose • Meaning of 'document' • Electronic documents b) Form N265 and the disclosure statement c) The process and purpose of inspection: • Meaning of inspection • Right of inspection • Grounds for withholding inspection • Privilege (legal advice privilege, litigation privilege, without prejudice privilege). d) Applications for specific disclosure e) You should be able to apply your knowledge of disclosure and inspection to a practical scenario.

9. Focus on settlement before trial	Following disclosure and inspection, the parties will re-evaluate the strength of their claim. The possibility of settling the case or minimising the issues in dispute should again be considered. You will need to know the following: Part 36 • Application and strategic use • Effective Part 36 offers • Withdrawal and varying terms • Acceptance, including where permission is required • Costs consequences ○ on acceptance, and ○ on judgment
10. Evidence	Evidence is necessary to establish an issue. There are two main types of evidence: lay witness evidence and expert evidence. You will need to know the following: a) Lay witness evidence: • What is witness evidence? • Who can give evidence? • Part 32: court's power to control evidence • Factual witness statements: ○ Structure of a witness statement ○ Purpose of a witness statement at trial ○ Statement of truth b) Expert evidence: • How expert evidence differs from lay witness evidence • Power of the court to restrict expert evidence • Seeking court's permission to use an expert • Choice and instruction of experts ○ Joint selection of experts ○ Single joint experts • The expert's report • Questions to experts
11. Preparation for trial	There are several actions that must be completed to prepare a case for trial. You will need to know the following: a) Pre-trial checklists • Purpose and content b) Trial bundles • Purpose • Contents • Obligations for preparation

	c) Organising and preparing witnesses • Refreshing the witness' memory • Arranging attendance of witnesses • Issue and service of witness summonses • Travelling expenses and compensation • Consequences where a party or a witness fails to attend trial
12. Trial, costs and appeals	You will need to know the following: a) Procedure at trial and the order of events (outline only). b) Costs at trial, how they are awarded and assessed (Part 44) • Costs usually follow the event, and the general rule is that the winning party pays the losing party's costs (note court discretion here) c) Appeals: • Part 52: The losing party may be entitled to appeal the judgment. ○ Time limits for appeals ○ Permission requirement
13. Enforcement	If a judgment debtor fails to pay the judgment sum on time in accordance with the court judgment or order, steps can be taken to enforce the judgment. You will need to know, in outline only: a) Methods by which a judgment may be enforced, including: • High Court and County Court enforcement • Taking control of goods, by means of writ or warrant • Attachment of Earnings Orders • Charging Orders • Third-party debt orders • Debt Respite Scheme
14. Communication with Internal and External Clients	Communication skills are fundamental to building confidence with clients and peers. You will have to communicate effectively, both orally and in writing, with internal and external clients. This will involve speaking to individuals, listening to what they have to say and noticing the way they respond to the message you are giving them. When you communicate in writing, you must ensure that there are no spelling errors and that the document is grammatically correct. a) The importance of effective communication within a legal environment • Identify the range of internal and external clients a legal professional will communicate with

- Identify the ways in which legal professionals communicate with clients and third parties
- Understand the range and appropriate methods of communication to use with specific clients and third parties
- Consider the impact of equality, diversity, and cultural difference when working with clients and third parties.

b) The use of verbal communication to effectively communicate a message

- Prepare effectively for verbal communication situations e.g. interviews with clients
- Distinguish between the types of question to be used in different situations
- Understand the effect tone of voice and language can have on the receiving party

c) The role non-verbal cues play in effective communication

- Recognise different types of non-verbal communication
- Understand the range of non-verbal responses and the effect they can have on the communication process

d) Actively listening to internal and external clients in order to effectively meet their requirements

- Accurately receive and interpret messages while communicating
- Use active listening skills to fully understand the message
- Identify vulnerable clients and ensure any reasonable adjustments required are being met

e) The importance of effective and accurate legal writing

- Understand the effect well written legal correspondence has on those who receive it
- Be able to effectively take notes upon which others can then base correspondence
- Be able to recognise correspondence, which is grammatically correct, with no spelling mistakes

f) Drafting original and precedent forms of communication

- Understand the importance of the client care letter
- Understand the required content of the client care letter including terms and conditions
- Draft a routine letter, email, an attendance note and fill in routine forms.

g) Professional and ethical considerations

- Ensure that clients are served in an ethical and professional way
- Understand how to manage risk