

Bar Training Civil Litigation Syllabus 2021-2022

Summary of Changes

Introduction

We have been asked by the Bar Standards Board to provide a short document summarising the main changes to the Bar Training Civil Litigation Syllabus in 2021-2022. This document is particularly intended to enable second year part time students to understand which areas of the 2020-2021 syllabus will form part of the centrally set assessments in 2021-2022, and which parts of the 2020-2021 syllabus will not be assessed.

This document provides a summary of the main changes to the syllabus. Students should also refer to the new syllabus, which includes full updated references to 'Civil Procedure' (the White Book) 2021 and The Jackson ADR Handbook (Third Edition, 2021), to understand the detailed requirements of the 2021-2022 syllabus.

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9 August 2021

1 General Matters

- the allocation of business between the High Court and County Courts
- the overriding objective
- the duty of the court to manage cases
- general principles of Alternative Dispute Resolution (ADR)
- timing the use of ADR

Summary of Changes

Under the 2021-2022 syllabus, paragraphs 1.22-23; 2.30-2.61; 3.04-3.11, 3.14-3.16, 3.24-3.34; 4.02-4.03, 4.07-4.08; 9.05, 9.06-9.07, 9.11-9.12, 9.20, 9.22-9.25; 11.07-11.23, 11.34-11.37, 11.59-11.61 and 11.63-11.64 of The Jackson ADR Handbook (Third Edition, 2021) will be assessed.

To complement understanding of the examinable material, students may find it helpful to be familiar with paragraphs 1.01-1.10; 2.02-2.24 and 2.27; and 11.01-11.03 of The Jackson ADR Handbook (Third Edition, 2021).

2 Limitation

- accrual of causes of action
- limitation periods in cases of tort, latent damage, personal injury, fatal accident, contract, and contribution claims

Summary of Changes

Under the 2021-2022 syllabus, the commentary at paragraphs 8-3.1 and 8.3-2 of Volume 2 of 'Civil Procedure' (the White Book) 2021 will be assessed.

3 Pre-action Conduct

- the Practice Direction (Pre-Action Conduct and Protocols)
- consequences of non-compliance
- ADR prior to the issue of proceedings

Summary of Changes

Under the 2021-2022 syllabus, the commentary on the Practice Direction for Personal Injury Claims at paragraphs C2A-001 to C2A-003 and C2A-005 of Volume 1 of 'Civil Procedure' (the White Book) 2021 will be assessed.

4. Alternative Dispute Resolution: Adjudicative Options

- Arbitration
- Expert (or Neutral) Determination

Summary of Changes

Under the 2021-2022 syllabus, the discussion of Expert (or Neutral) Determination at paragraphs 24.01-24.05, 24.07, 24.09-24.10, 24.15, 24.19, 24.24-24.25, 24.31, and 24.53-24.54 of The Jackson ADR Handbook (Third Edition, 2021) will be assessed.

5. Alternative Dispute Resolution: Non-Adjudicative Options

- Early Neutral Evaluation
- Conciliation and Mediation

Summary of Changes

Under the 2021-2022 syllabus, the discussion of mediation at paragraphs 13.08-13.10, 13.11-13.15, 13.24-13.27, 13.32-13.42, 13.47-13.56, 13.57-13.61, 13.62, 14.49, 14.61, 14.73-14.74, and 15.04-15.05 (including Figure 15.1) of The Jackson ADR Handbook (Third Edition, 2021) will be assessed.

6 Commencing Proceedings

- the Part 7 procedure
- validity, extension and service of claim forms
- service of other court documents within the jurisdiction
- the Part 8 procedure

Summary of Changes

No syllabus changes.

7 Parties

- partnerships, sole traders, LLPs and companies, trusts and deceased persons
- children and persons suffering from mental incapacity

Summary of Changes

Under the 2021-2022 syllabus, CPR 39.6 will not be assessed.

8 Statements of Case

- claim forms and particulars of claim
- acknowledgement of service, defences, replies, counterclaims
- the effect of not responding to an allegation in a statement of case

Summary of Changes

Under the 2021-2022 syllabus, PD 16 paragraphs 14 and 15 will not be assessed.

9 Multiple Causes of Action, Counterclaims and Other Additional Claims

- multiple causes of action and multiple parties
- counterclaims against the claimant or an additional party
- contribution notices and claims against third parties and fourth parties

Summary of Changes

No syllabus changes.

10 Amendment

- permission or consent to amend
- costs consequences of amendment

Summary of Changes

No syllabus changes.

11 Further Information

- requests for further information
- responding to a request for further information

Summary of Changes

No syllabus changes.

12 Default Judgment and Summary Judgment

- default judgments
- applications to set aside
- summary judgments

Summary of Changes

Under the 2021-2022 syllabus, CPR 12.1-12.6, 12.8 and 12.10(a); CPR 13.1-13.2, 13.3 and 13.4; CPR 24.1, 24.2, 24.3-24.5 and 24.6; PD 12 paragraphs 1-4.2, 4.6 and 5; and PD 24 paragraphs 1-5 and 8-10 will be assessed.

13 Case Management, Sanctions and Striking Out

- the small claims track, fast track and multi-track
- allocation
- case management conferences
- costs management
- directions
- relief from sanctions
- striking out a claim
- discontinuance

Summary of Changes

Under the 2021-2022 syllabus, the commentary at paragraphs 3.4.1, 3.4.2 and 3.4.3; the first three paragraphs of 3.4.5; the first paragraph of 3.4.9; and paragraphs 3.4.19, 3.9.1 and 3.9.2-3.9.8 of Volume 1 of 'Civil Procedure' (the White Book) 2021 will be assessed.

14 Disclosure and Inspection of Documents

- disclosure and inspection of documents
- specific disclosure
- collateral use of disclosed documents
- pre-action disclosure
- disclosure against non-parties
- legal professional privilege and without prejudice communications in civil cases

Summary of Changes

No syllabus changes.

15 Interim Applications

- with notice and without notice applications
- documentation required in interim applications
- periods of notice in interim applications
- the duty of full and frank disclosure in without notice applications

Summary of Changes

Under the 2021-2022 syllabus, CPR 23.1-12; CPR 25.1, 25.2 and 25.3; PD 23A paragraphs 2-7, 9, 12.1, 13; and PD 25A paragraphs 4 and 5 will be assessed.

16 Interim Payments and Security for Costs

- interim payments
- security for costs

Summary of Changes

No syllabus changes.

17 Interim Injunctions

- interim injunctions
- American Cyanamid principles
- exceptions and variations to American Cyanamid
- usual undertakings and cross-undertakings

Summary of Changes

No syllabus changes.

18 Settlement (including offers to settle)

- negotiation and joint settlement meetings
- Calderbank offers and offers to settle under Part 36
- consequences of accepting Part 36 offers
- withdrawing, reducing and increasing offers to settle
- consequences of failing to obtain judgment more advantageous than offer to settle

Summary of Changes

Under the 2021-2022 syllabus, the commentary at paragraphs 36.2.1, 36.2.4, 36.5.1, 36.13.1-3, 36.17.1-4, 36.17.5 and 36.17.6 of Volume 1 of 'Civil Procedure' (the White Book) 2021 will be assessed.

19 Evidence of Fact

- evidence of fact in civil proceedings
- witness statements and witness summonses
- notices to admit facts and notices to prove documents

Summary of Changes

Under the 2021-2022 syllabus, CPR 32.1-4, 32.5, 32.6-16, 32.18-19, 34.1-34.9 and 34.11 will be assessed.

Under the 2021-2022 syllabus, the commentary at paragraphs 32.5.1-32.5.3.1 and 34.8.6 of Volume 1 of 'Civil Procedure' (the White Book) 2021 will be assessed.

20 Expert Evidence

- the general exclusionary rule in relation to evidence of opinion
- the main exceptions to the rule
- expert opinion evidence in civil proceedings

Summary of Changes

Under the 2021-2022 syllabus, the commentary at paragraphs 35.0.1 (first three paragraphs), 35.0.2, 35.0.3, 35.0.4, 35.1.1, 35.1.2 (first, second and eleventh paragraphs), 35.3.2, 35.4.2 (first, second, third, fourth, fifth and seventh paragraphs), 35.4.4, 35.7.4 and 35.11.1 of Volume 1 of 'Civil Procedure' (the White Book) 2021 will be assessed.

21 Civil Trial and Evidence

- the trial of civil cases
- hearsay evidence in civil proceedings
- convictions as evidence in civil proceedings

Summary of Changes

Under the 2021-2022 syllabus, CPR 32.1-3, 32.5, 33.1-33.6, 39.3; PD 28 paragraph 8; and PD 29 paragraph 10 will be assessed.

22 Judgments, Orders and Enforcement

- judgment and orders, including Tomlin orders
- enforcing money judgments
- recording and enforcement of settlements following ADR

Summary of Changes

Under the 2021-2022 syllabus, the commentary at paragraphs 40.6.2, 70.3.1 and 70.3.2 of Volume 1 of 'Civil Procedure' (the White Book) 2021 will be assessed.

Under the 2021-2022 syllabus, paragraphs 18.03, 18.06-18.10, 19.02, 19.10-19.15, 20.02, and 20.09 (including Table 20.1) of The Jackson ADR Handbook (Third Edition, 2021) will be assessed.

23 Costs

- summary and detailed assessment of costs
- standard and indemnity costs
- interim costs orders
- costs orders in civil cases

Summary of Changes

Under the 2021-2022 syllabus, the commentary at paragraphs 44.2.3 (first, sixth and seventh paragraphs), 44.2.4, 44.2.5, 44.2.6 (first paragraph), 44.2.7 (first paragraph), 44.2.8 (first paragraph), 44.2.10 (first two paragraphs), 44.2.12 (first two paragraphs), 44.2.13 (first three paragraphs), 44.2.14 (first two paragraphs), 44.2.17 (first two paragraphs), 44.2.18 (first three paragraphs), 44.2.19 (first and fourth paragraphs), 44.2.20, 44.2.24, 44.2.25 (first and third paragraphs), 44.2.28 (first, second, third, fourth, fifth and sixth paragraphs) and 44.16.2 of Volume 1 of 'Civil Procedure' (the White Book) 2021 will be assessed.

24 Appeals

- Civil appeals in England and Wales (excluding appeals to the Supreme Court)

Summary of Changes

No syllabus changes