1. **Title of the module**

LAWS6400 (LW640): Critical and Legal Reasoning

1. **School or partner institution which will be responsible for management of the module**

Kent Law School

1. **The level of the module (Level 4, Level 5, Level 6 or Level 7)**

Level 6

1. **The number of credits and the ECTS value which the module represents**

15 credits (7.5 ECTS)

1. **Which term(s) the module is to be taught in (or other teaching pattern)**

Autumn

1. **Prerequisite and co-requisite modules**

Pre-requisite modules:

LAWS3130 A Critical Introduction to Law; and

LAWS3150 Introduction to Obligations; and

LAWS5080 Criminal Law or; LAWS6010 Advanced Level Criminal Law (on a co-requisite basis)

1. **The programmes of study to which the module contributes**

All undergraduate law programmes

1. **The intended subject specific learning outcomes.
On successfully completing the module students will be able to:**
2. Demonstrate a coherent understanding of what is meant by critical thinking, its associated skills and the obstacles that can hinder its effective development; in particular, to understand and demonstrate the function of effective critical thinking within and about legal reasoning
3. Demonstrate a coherent knowledge of the difference between argument and non-argument and to identify valid and flawed arguments.
4. Demonstrate a systematic understanding of different forms of reasoning, both legal and non-legal.
5. Demonstrate a coherent knowledge of the distinctiveness of legal reasoning.
6. **The intended generic learning outcomes.
On successfully completing the module students will be able to:**
7. Utilise critical thinking skills in wider legal and non-legal contexts.
8. Critically identify and use a wide variety of argumentative techniques across a broader range of subjects.
9. Demonstrate knowledge of the value of non-legal material in the construction of effective legal argumentation.
10. Demonstrate appropriate independent legal research with minimal supervision, using a variety of legal sources and materials in order to formulate and apply legal argumentation to resolve given legal problem situations.
11. Retrieve up to date information, using paper and electronic sources including effective use of IT and other information retrieval systems; and systematically gather and evaluate relevant legal authority from a variety of legal sources, in particular case law,
12. Demonstrate relevant and appropriate legal and non-legal terminology with care, accuracy and confidence.
13. **A synopsis of the curriculum**

A central question of this module is whether, and to what extent, there is anything distinctive about legal reasoning compared to other forms of reasoning. That question is posed from the perspective of a legal practitioner, in particular, an advocate. The aim of the module is to equip students – as potential advocates, but also in general – with a range of tools and skills of argument that are easily transferrable across legal and non-legal contexts. In short, to teach transferrable critical thinking skills within a legal context.

It is a premise of the module that any competent advocate, or indeed lawyer, must demonstrate a proficient grounding in basic logic. The module introduces students to basic forms of logical argument and explores the role and limits of logical inference in legal reasoning and generally. It considers both logical and psychological factors that may lead to flawed reasoning. The module also touches on other forms of reasoning of particular relevance to law including practical, statistical, policy-based and rhetorical forms.

The aim of most reasoning, including legal reasoning is to persuade. The module will therefore introduce students to the skills of legal persuasion via written and oral advocacy.

The theoretical background will provide the basis upon which students will learn to construct effective (legal) arguments and to practice the skills learned in a variety of written and oral contexts including skeleton arguments and mooting.

1. **Reading list (Indicative list, current at time of publication. Reading lists will be published annually)**

Cottrell, Stella, Critical Thinking Skills (3rd edn, Palgrave, 2017)

Chatfield, Tom, Critical Thinking (SAGE, 2017)

Farnsworth, Ward, The Legal Analyst: A Toolkit for Thinking about the Law (University of Chicago Press, 2007)

Hanson, Sharon, Learning Legal Skills and Reasoning (4th edn, Routledge, 2016)

Kahneman, Daniel, Thinking, Fast and Slow (Penguin, 2011)

Schauer, Frederick, Thinking Like a Lawyer: a new introduction to Legal Reasoning (Harvard, 2012)

1. **Learning and teaching methods**

The module will be taught by lectures, seminars and private study.

Total Study Hours: 150

Total Contact Hours: 20

Private Study Hours: 130

1. **Assessment methods**

13.1 Main assessment methods

The module will be assessed by 100% coursework, consisting of a combination of:

a) A skeleton argument of 1500 words (40%), AND

b) A 15-minute oral presentation (a Moot) (60%) including a revised skeleton argument of 500 words. 20% of the oral presentation mark (i.e. 12% of the final overall mark) will be made up of the reworked skeleton argument.

13.2 Reassessment methods

The module will be reassessed by a coursework reassessment instrument: a case analysis exercise.

1. **Map of module learning outcomes (sections 8 & 9) to learning and teaching methods (section12) and methods of assessment (section 13)**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Module learning outcome** | 8.1 | 8.2 | 8.3 | 8.4 | 9.1 | 9.2 | 9.3 | 9.4 | 9.5 | 9.6 |
| **Learning / teaching method** |  |  |  |  |  |  |  |  |  |  |  |
| Lectures |  | X | X | X | X | X | X | X |  |  | X |
| Seminars |  | X | X | X | X | X | X | X | X |  | X |
| Private Study |  | X | X | X | X | X | X | X | X | X | X |
| **Assessment method** | Specify word length, duration, individual or group work (as appropriate) |  |  |  |  |  |  |  |  |  |  |
| Skeleton argument (40%) | 1500 words | X | X | X | X | X | X | X | X | X | X |
| Assessed moot (60%) | 15 minutes & short skeleton of 500 words | X | X | X | X | X | X | X | X | X | X |

1. The School recognises and has embedded the expectations of current equality legislation, by ensuring that the module is as accessible as possible by design. Additional alternative arrangements for students with Inclusive Learning Plans (ILPs)/declared disabilities will be made on an individual basis, in consultation with the relevant policies and support services.

The inclusive practices in the guidance (see Annex B Appendix A) have been considered in order to support all students in the following areas:

**a) Accessible resources and curriculum**

1. Preference will be given to electronic resources that meet minimum accessibility standards and support the use of assistive technologies.
2. Module outlines will be made accessible at least four weeks before the module starts.
3. Prioritised reading lists will be made available sufficiently in advance to accommodate the provision of alternative formats and support those with a slow reading speed.
4. Lecture/seminar slides/outlines will be made available in electronic format in advance to allow all students to prepare (particularly students with notetaking difficulties).
5. In accordance with the KLS school-level statement on Lecture Capture, lectures will be recorded to assist notetaking unless one or more of the lectures contains sensitive material. The module convenor will notify students in advance of any lectures that will not be recorded.

**b) Learning, teaching and assessment methods**

The inclusive practices in the guidance (Annex B Appendix A, section b (1) and (2)) have all been considered in order to support all students in their assessments on this module.

Appropriate adjustments will be made for students who for ILP reasons are unable to participate in a moot *eg* by arranging a one to one presentation.

1. **Campus(es) or centre(s) where module will be delivered:**

Canterbury

1. **Internationalisation**

The legal arguments presented in the skeleton arguments and/or the moot may well be drawn from other jurisdictions if students choose to do so. Such arguments would only be persuasive under the doctrine of precedent. However, students will be encouraged to consider such arguments.

The material relating to psychological or cognitive factors affecting decision-making is taken from US research. In particular, the work of Kahneman. Other US sources include Schauer and Farnsworth who respectively discuss non-reasoning and economic analysis within legal reasoning.

Both critical thinking and advocacy are considered “international” forms of communication.

**FACULTIES SUPPORT OFFICE USE ONLY**

**Revision record – all revisions must be recorded in the grid and full details of the change retained in the appropriate committee records.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date approved | Major/minor revision | Start date of the delivery of revised version | Section revised | Impacts PLOs (Q6&7 cover sheet) |
| 24/01/2018 | Major | September 2018 | 8-15, 17 | No |