

THE LAW SCHOOL OF THE LAW SOCIETY OF IRELAND

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2023

**PPC II**

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# COMPULSORY COURSES

# EMPLOYMENT LAW

The aim of the Employment law course is to provide trainee solicitors with an informed overview of the employment law system in Ireland. In particular, the course gives an understanding of the common law, contract law and statutory rules and procedures they will encounter in practice so equipping them to advise and act for a client with confidence and competence.

**Attendance at Plenary Sessions and Workshops is compulsory for this course**

## Syllabus

The employment law course is divided into five sections:-

### *INTRODUCTION TO EMPLOYMENT LAW*

This section looks at sources of employment law

- Legislation
- Constitution
- Precedent
- Contract
- Common law

and explains the employment relationship with reference to the rights and obligations of the parties.

### *THE EMPLOYMENT RELATIONSHIP*

This section looks at firstly at

- Contracts and Consequences with reference to:
  - Identification of contracts of employment
  - The parties and the consequences of their status for:
    - Employees v independent contractors
    - Permanent v fixed-term workers
    - Employees v agency workers
- Industrial relations introducing industrial relations and the statutory protections available to the parties with reference to
  - Trade unions
  - Rights of association/disassociation
  - Industrial disputes
  - Trade union immunity from suit

### *TERMS AND CONDITIONS*

This section examines the terms and conditions of a contract of employment both implied and express by reference to:

- Equal treatment
- A safe working environment
- Standard terms
- Working time and protected leave entitlements
- Policies and procedures in the workplace

## *TERMINATION OF THE EMPLOYMENT RELATIONSHIP*

This section examines the most common ways in which the employment relationship comes to an end.

- Operation of Law and Dismissal  
This is an overview of how the employment relationship comes to an end the consequences for employers and employees with particular reference to
  - Operation of law
  - Fixed-term/specific purpose contracts
  - Wrongful dismissal and injunctions – common law remedies
  - Unfair dismissals – statutory remedies
    - Substantive reasons
    - Importance of fair procedures
  
- Changes to the Business Model –
  - Short-time
  - Redundancy
  - Transfer of Undertakings

## *PRACTICE AND PROCEDURE*

This section is a practical application dealing with clients in employment law matters.

### **Format**

This is a blended learning course with trainees being encouraged to assimilate the theory before having the opportunity to apply what they have learnt whilst working through everyday employment law problems.

Lectures will be available online, via Moodle, for viewing at a time most convenient for each student.

There are five Workshops during which students will work within a simulated office environment to practically apply the knowledge acquired.

### **Materials**

Course materials will be provided in electronic form only via iPad. Lectures are available via Moodle for viewing at a time and place convenient to individual students.

**Responsible Staff Member:** Rory O'Boyle.

# Civil Advocacy Skills

## Objectives

The aim of this course is to enable trainees to develop and hone their advocacy skills and to instil confidence through simulated applications and hearings conducted in a positive and encouraging environment. To this end it also addresses the courtroom functions and formalities which are necessary for effective advocacy; the basics of the law of evidence necessary to prepare and present a case in court; case analysis; techniques for questioning witnesses; the making of objections and the procedures for making court applications.

As the context for the advocacy training on this particular course is civil litigation, it is recommended that each trainee should have regard to their civil litigation course materials when preparing for the Civil Advocacy workshops and Practical.

## Syllabus

- Introduction to Advocacy
- The law of evidence and its application in civil advocacy.
- The Judge's perspective
- Remote hearings
- Presentation skills refresher
- Evidence and case analysis
- Motions hearings; County Registrar's Court
- Dealing with witnesses; Direct and Cross Examination.
- Preparing and running a civil trial.
- Preparing for the Practical.

## Format

The course comprises of a series of lectures (live onsite and recorded) and 5 workshops. Preparation is important as the workshops involve role play and teamwork. Fora on Moodle are also used in the preparation of witnesses for the mock trial.

Certain workshops will be recorded and the trainee's performance will be reviewed subsequently on a one-to-one basis.

## Materials

Most course materials will be provided in electronic form via Moodle. Hard copy materials will also be provided in preparation for certain workshops.

**Attendance**

The effectiveness of the Civil Advocacy course depends on the full attendance and participation of all trainees and it requires considerable preparation and teamwork.

Accordingly, as with all of the Skills modules, attendance at all Civil Advocacy lectures and workshops is compulsory and attendance records will be kept.

**Assessment**

The course is assessed through the Civil Advocacy Skills Practical. This will be scheduled with the Exams in other PPCII subjects. In order to pass the Skills Core Subject, each trainee must attain a minimum grade of 'competent' in the Practical. A prize is awarded to the top performer(s).

Workshop 5 is a formative workshop designed to assist trainees to familiarise themselves with the Civil Advocacy Skills Practical. Further details, including the criteria for the Civil Advocacy Practical, will be furnished with the materials for Workshop 5. In addition there will be a preparatory information lecture.

**Responsible Staff Member:** Colette Reid.

# Professional Responsibility II - The Regulation and Management of Legal Practice

The overall objective of the course is to

- Review the regulatory requirements for legal practice
- Create a framework to provide trainees with the knowledge and skills required to start in practice
- Discuss what the law firm of the future will look like and the skills future lawyers will require

## **Syllabus**

This course is divided in three modules:-

### *Module 1 - PRACTICE MANAGEMENT*

This module focuses on the practical aspects of running a law firm. It also provides useful information and a tutorial to assist trainees with their Business Plan assignment

- Setting up a Legal Practice
- Managing a Legal Practice
- Strategy for Professional Services
- Building a Sustainable Legal Practice
- Professional Conduct Updates

### *Module 2 - REGULATION AND FINANCIAL MANAGEMENT*

This module deals with the regulatory requirements of working as a solicitor, with a particular focus on the Solicitor's Accounts Regulations and the financial management and administration of a solicitor's practice. The aim is to introduce basic accounting practices and the Regulations governing the control of office and client bank accounts, the handling of client monies and accounting and reporting practices. Other regulatory aspects covered in this module include

;

- Anti-Money Laundering
- Data Protection
- Cyber Security



*Module 3 - THE FUTURE OF LEGAL PRACTICE*

- The Law Firm of the Future
- Changes to the Profession & the Legal Services Market
- Legal Tech & innovation
- Essential Skills for Future Lawyers
- Leadership

**Responsible Staff Member:** John Lunney.

# ELECTIVE CHOICES

# ADVANCED CIVIL LITIGATION

## Why should I choose this elective?

Litigation work is an important component of every legal practice. This elective will prove vital to any solicitor intending to work in general practice or to specialise in civil litigation. It addresses recent legal developments and examines specific types of actions.

## Objectives

This elective affords students the opportunity to build on their knowledge of Civil Litigation gained during their Professional Practice Course Part 1. This is achieved by considering recent developments in tort, contract, practice and procedure, damages and costs. Reflecting the broad sweep of Civil Litigation, the course will examine in greater depth specific types of actions, such as actions pertaining to professional negligence, defective product liability; litigation relating to land; probate litigation and issues relevant to commercial litigation. It will also address the resolution of disputes through mediation.

Note: This elective includes a number of joint lectures with the Medical Law & Litigation Elective (see Part A lectures).

## Syllabus

### Part A

#### *Recent developments in:*

- Practice and procedure
- Damages
- Personal Injury claims.

#### *Third Party Practice & Procedure and other Defence strategies.*

- Third party law, practice and procedure.
- The linking and consolidation of proceedings.
- Security for costs
- Calderbank letters, lodgments/tenders

#### *Mediation*

- When it is appropriate.
- How it works.
- Organising a mediation.

#### *Costs*

- An overview
- Costs Adjudication
- The Legal Services Regulation Act 2015

## Part B

### *Commercial disputes and Discovery*

- E-discovery.
- Recent decisions and practice developments.

### *Defamation Actions*

- Recent developments.
- Practice and procedure.
- The Internet - jurisdictional and liability issues.
- Awards.

### *Litigation and Land*

- Most common causes of action.
- Remedies - Specific performance – Rescission etc.
- Termination/ Ejectment.
- Applications under the Landlord & Tenant legislation.
- Precedent proceedings.

### *Probate Litigation*

- Practice & procedure in probate actions in the High and Circuit Courts.
- Actions challenging a Will.
- Section 117 applications.

### *Professional Negligence –Solicitors*

- Suing and being sued.
- Common causes of action.
- Complaints procedures.

### *Trans-frontier Litigation*

- Jurisdiction.
- Enforcement.
- The implications of Brexit.

## **Materials**

Course materials will be provided in electronic form via Moodle.

**Responsible Staff Member:** Colette Reid.

# ADVANCED LEGAL PRACTICE IRISH/ARDCHÚRSA CLEACHTADH DLÍ AS GAEILGE

**THIS COURSE WILL BE AN EVENING COURSE WITH ONLINE  
ENGAGEMENT**

## **Introduction**

The Official Languages Act 2003 provides a statutory framework for the delivery of public services through the Irish language. The right of a person to be heard in and to use the Irish language in court proceedings is affirmed at section 8 of that Act. The European Union has 24 official languages, with Irish being one of them since 01 January 2007. Irish citizens applying for jobs with EU institutions, where two or more official EU languages are required, may therefore cite Irish as one of those languages.

Section 40(2A)(d) of the Solicitors Act 1954 (as inserted by The Legal Practitioners (Irish Language) Act 2008) mandates the Law Society to "...provide an advanced course for the practice of law through the Irish language as an optional subject for those pursuing the Professional Practice Course." This elective has been created to meet that statutory requirement and it is open to qualified solicitors also.

## **Why should I select this Elective?**

The practice of law 'as Gaeilge' is a growing boutique area of practice, which is not unrelated to the increase in the numbers of Gaelscoileanna recently established. A solicitor who has successfully completed the Advanced Legal Practice Irish (ALPI) course will be admitted to the Society's Irish Language Register, *Clár na Gaeilge (An Dlí-Chumann)* as a solicitor who practices through the Irish language (Section 40 subsection (2A) (i) of the Solicitors Act 1954). This Register/*Clár* is maintained by the Society's Regulation Department and is accessible at <https://www.lawsociety.ie/Find-a-Solicitor/Clar-na-Gaeilge/>.

## **Contextual Introduction**

The entry level for this course is a general level of competence and proficiency demonstrated at Leaving Certificate Higher Level standard. The framing and delivery of the course complies with the tenor of the Common European Framework of Reference for Languages: Learning, Teaching, Assessment (CEFR). This Framework describes in a comprehensive way what language learners have to learn to do in order to use a language for communication and what knowledge and skills they need to develop. It envisages the learner being in a position to act effectively within certain domains (e.g. occupational) in the context of facilitating the cultural diversity of minority languages within a State.

## Syllabus

Participants, to include PPCII Trainees and qualified lawyers, will be required to focus on standard legal vocabulary and grammar within a structure that traverses general practice. They will engage, *as Gaeilge*, in necessary lawyering skills, to include: Research, Legal Writing, Client Consultation, Negotiation and Advocacy that merge with typical language learning activities.

## Teaching Methods

The overall blended learning course design and delivery will engage with traditional direct contact teaching methods and online engagement sessions, to facilitate interaction and task completion. The course runs for nine weeks in total. Students are required to attend an orientation lecture, six evening sessions lasting approximately two hours in duration in addition to one final lecture on grammar. There will be lectures during week one and two for PPCII trainees that will be available online thereafter for practitioners. Workshops will accommodate a low participant to tutor ratio, to maximise learning opportunities. There will be an exploration of a selection of typical language activities of:

- Reception (silent reading, following the media, consulting text books, works of reference, precedents),
- Production (oral presentations, written studies, reports),
- Interaction (at least two individuals participating in an overlapping oral and written exchange) and
- Mediation (translation or interpretation, a paraphrase, summary or record).

## Assessment

Assessment will incorporate continuous assessment of course tasks throughout the course and a final group assessment which will require participants to draft documents for a specific legal application and to deliver that application individually *viva voce*, in an *ex parte* format as a solicitor advocate.

**Responsible Staff Member:** Aisling Byrne

The Law Society's Legal Practice Irish courses won the 2012 European Language Label (ELL).  
[http://ec.europa.eu/languages/european-language-label/index\\_en.htm](http://ec.europa.eu/languages/european-language-label/index_en.htm)

# BANKING LAW

## Why should I choose this elective?

The Banking Law elective provides a practical guide to a field that has witnessed a rapid rate of change in recent years. Solicitors with knowledge and experience of banking law remain in high demand as banks, law firms and state agencies continue to contend with an increased level of regulation in the sector.

## Objectives

This elective provides the legal foundation necessary to advise and act for individuals, companies and financial institutions in this area of law. The course is designed to provide trainees with an understanding of the fundamental principles, structures and documents involved in banking and finance transactions.

## Syllabus

### *Relationship between Banks and Customers*

- Customer Accounts and Types of Account Holders
- Contractual relationship
- Bank mandates
- Bank's rights (Banker's lien and right to set-off)
- Bank's duties to customers
- Customer's duties

### *Payment Mechanisms*

- Consideration of various payment mechanisms including bills of exchange, cheques, drafts, credit and debit cards, interbank transfers and electronic money

### *Loan Agreements*

- Facility letters v Loan Agreements
- Loan types (Bilateral, Syndicated, Term and Revolving Loans)
- Short/medium/long term debt arrangements
- Term Sheet
- Interest provisions/fees
- Mechanical provisions
- Representations and Warranties
- Covenants
- Events of Default
- Boilerplate clauses
- Conditions precedent
- Novation, assignment and sub-participation
- Current trends in new lending
- Reviewing a loan offer when acting for the borrower
- Subordination/priorities/inter-creditor issues

### *Secured Lending*

- Common Forms of Security
- Choosing the appropriate form of security for particular assets
- Common Types of Quasi-Security
- Further issues to consider when taking security
- Registration
- Security Documentation
- Financial Assistance, Transactions involving Directors and Substantial Property Transactions

### *Opinions*

- Nature of legal opinions
- Categories of opinions
- Benefit of opinions
- The different roles of the lawyer
- Form on an opinion

### *Asset Finance*

- Leasing
- Hire purchase
- Conditional Sale Agreements
- Retention of title
- Aircraft financing
- Ship financing

### *Restructuring and Re-financing*

- Advising the bank
- Advising the borrower
- The perspective of the secondary purchaser
- Carrying out security reviews from the bank's and the borrower's perspective

### *Regulation of Banking in Ireland*

- Role of the Central Bank
- Purpose of regulation
- Capital Requirements
- Current economic market
- Consumer protection issues
- Impact of NAMA/NTMA
- Banking Codes of Conduct

### **Materials**

Course materials will be provided in electronic form via Moodle.

**Responsible Staff Member:** Joanne Cox



# COMMERCIAL & COMPLEX PROPERTY TRANSACTIONS

## **Why should I choose this elective?**

The property market is experiencing growth, particularly in major urban areas. However, transactions are becoming more complex and difficult resulting in increased risk and liability for legal advisors.

This course builds on the basic knowledge of Applied Land Law gained at PPC I level. The concepts and processes covered at PPC I will be revisited in greater depth and more complex titles and dealings will be examined. The course will provide an overview of the tax obligations of a conveyancer and insolvency issues in property transactions. Commercial and investment property transactions, commercial leases and lending, different types of developments and complex registered and unregistered dealings will be addressed.

A good understanding of core land law principles is required and conveyancing or landlord and tenant law office experience is strongly recommended.

## **Objectives**

The aim of this course is to equip students with the knowledge and skills to act in commercial and complex property transactions. The course will be delivered against a backdrop of how to manage the increasingly complex nature of property transactions and also how a conveyancer can mitigate against the inherent liability and risk in such transactions.

## **Syllabus**

*Ethical and Regulatory Issues, Undertakings, Conflict of Interest, Case law on Liability and Risk*

- Undertakings
- Ethical obligations of solicitors
- Conflict of interest situations
- Case law on liability and risk
- Regulatory issues in property transactions

*Complex Unregistered Title, Title Research and Compulsory First Registration*

- Searching title to unregistered freehold/leasehold property
- Good/Bad Roots of Title
- Practical steps in investigating title
- Settlements and trusts
- Powers of Appointment
- Sale by Mortgagee
- Judgment Mortgages
- Purchase from a Sheriff

- Landed Estates Court Conveyance
- Title Research/Legal Genealogy
- Lost or destroyed deeds
- Applications for First Registration based on documentary title
- Form 3 cases

*Complex Land Registry Dealings, Adverse Possession, Conversion, Transmissions, Priority Searches, Cautions and Inhibitions*

- Applications for first registration based on possession
- Applications for first registration where freehold interest has been acquired under the Landlord and Tenant (Ground Rents) (No. 2) Act 1978
- Cautions against first registration
- Application for first registration of freehold title based on adverse possession
- Application for registration based on Section 49 Registration of Title Act 1964
- Conversion of Title
- Transmissions
- Cautions, Inhibitions and Priority Searches
- Cessor of Limited Ownership
- Property Adjustment Orders
- Crystallised Charges and charges with no ownership registered
- Shared Ownership Lease
- Concurrent Leases, surrender and merger
- Development Schemes and mapping

*Tax Issues in Conveyancing: the Conveyancers Obligations*

- Overview of Stamp Duty, Capital Gains Tax, and Residential Property Taxes (Household Charge, NPPR and LPT)
- Penalties and liabilities
- Conveyancers obligations
- Buying a business by acquiring assets or shares

*Apartments, Multi-Unit Developments, Mixed Developments and New Developments*

- Distinctions between conveyances of houses and apartments
- Acting for a builder/developer
- Liquidation of a builder
- Leases
- Common areas and the management company
- Booklets of Title and closing documents
- Title issues in second-hand or new apartments
- Structure of schemes of development
- Pre-contract enquiries
- Mixed residential and mixed commercial and residential developments
- Multi-unit developments
- Management Companies
- Service charge and insurance

- Structural defects and services/repairs

*Dealing with Companies and Commercial Lending*

- Lending to companies
- Qualifications on title
- Guarantees by companies and individuals
- Capacity
- Board resolutions
- Stamping and registration of security documents
- Consumer Credit Act, 1995
- Types of loan facility
- Companies Act, 2014

*Fri Leases: the Landlord's viewpoint versus the Tenants viewpoint; Negotiating and Handling Disputes*

- Granting and taking FRI leases
- Advising landlords and tenants
- Drafting principles
- Demise and term of lease
- Repairs and alterations
- Insurance and service charge
- Alienation, renewal and renunciation
- Guarantees
- User and rent review

*Property Issues in Insolvency, Examinership and Liquidation; dealing with Nama*

- Process of insolvency, examinership and liquidation
- Documentation required for authority to sell
- Execution of documents
- Disclaimers and forfeiture
- Property related issues arising in insolvency, examinership and liquidation
- Dealing with NAMA

**Materials**

Course materials will be provided in electronic form only via Moodle.

Responsible Staff Member: **Dr. Gabriel Brennan**

# COMMERCIAL CONTRACTS

## Why should I choose this elective?

Commercial practitioners are required to advise on and draft contracts for a wide variety of business arrangements. This elective provides trainees with an opportunity to develop the skill of effective contract drafting. Trainees will also gain an insight into the key terms and considerations involved in typical commercial agreements.

## Objectives

The course is designed to provide students with an understanding of what is required to successfully negotiate and draft commercial contracts.

## Syllabus

### *Contract Law Refresher/Update*

- Formation of a contract
- Express and implied terms
- Evidence of contractual terms
- Execution of contracts
- Breach of contract
- Remedies and enforcement
- Variation
- Assignment of rights

### *Negotiating contracts*

- Understanding the underlying transaction
- Taking instructions and establishing the commercial objectives of the parties
- Due diligence
- Pre-contract documentation (letters of intent, memorandums of understanding, subject to contract, 'without prejudice')
- Confidentiality agreements
- Exclusivity (agreements to agree)
- Establishing settlement ranges
- The negotiation process in practice
- Reviewing and effectively commenting on the draft contract

### *Understanding the anatomy of a contract*

- Form and layout of a commercial contract
- Use of precedents
- Role of schedules
- Analysis of common clauses (with illustrations of how clauses can vary depending on the type of the contract and the commercial objectives of the parties)

### *Drafting a contract*

- Drafting tips and techniques
  - Use of clear/concise language
  - Ambiguity-how to avoid it
  - Problematic words and phrases
  - Standard terminology
  - Use of defined terms
  - Tone and format
  - Rules of interpretation
  - Getting the grammar right
  - Achieving legal and commercial certainty
- Planning and drafting a basic commercial contract

#### *Service Agreements*

- Key terms in a service agreement
- Service-Level agreements

#### *Agency Agreements*

- Choosing a marketing agreement (agency v distribution agreements)
- Analysis of the Commercial Agents Regulations
- Key terms in an agency agreement

#### *Distribution Agreements*

- Consideration of key terms and commercial objectives of a distribution agreement
- Advising clients on the application of competition law and the EC Regulations / Competition Authority Declaration on Vertical Agreements

#### *Franchising Agreements*

- Understanding the concept of a franchising agreement – key examples
- Commercial reasons for franchising
- Analysing the key terms of a franchising agreement
- Advising clients on the application of competition law
- Licensing of IP rights

#### *Outsourcing Agreements*

- Types of outsourcing and commercial reasons for outsourcing
- Consideration of key terms of an outsourcing agreement
- Employment law aspects of outsourcing
- Data protection issues surrounding outsourcing

### **Materials**

Course materials will be provided in electronic form via Moodle.

**Responsible Staff Member:** Joanne Cox

# CORPORATE TRANSACTIONS

## Why should I choose this elective?

Transactions involving the acquisition of private companies or businesses are commonplace in any firm undertaking commercial/corporate work. This elective will help trainees develop a practical and in-depth understanding of the key steps and documentation involved in buying and selling a company/business. This will include a consideration of Management Buy-Outs. Trainees will also gain an insight into the issues and documentation involved in financing a corporate transaction. The steps, documentation and substantive law involved in a transaction remain the same irrespective of the size of the deal. This elective is therefore relevant to trainees in all types of firms.

## Objectives

This elective will provide trainees with an opportunity to build on their knowledge of mergers and acquisitions, gained at PPC I level. The course is designed to equip trainees with the necessary legal skills to undertake and advise clients on corporate transactions. Trainees will follow a realistic case study that will take them, step-by-step, through the legal, commercial and practical aspects of a transaction. A strong emphasis will be placed on the role of a trainee/newly-qualified solicitor in the different stages of an acquisition.

## Syllabus

### *General*

- Public v private companies
- Reasons for acquisition activity
- Basic acquisition methods
- Valuing a company/business
- Forms of consideration
- Overview of the key steps and documentation involved in a transaction including exchange and completion

### *Share Purchases and the Share Purchase Agreement*

- Quantifying and dealing with the risk faced by the Purchaser
  - The due diligence process
  - Warranties and indemnities
  - Restrictive covenants
- Limiting the Vendor's Liability
  - Negotiating the warranties and indemnities
  - Vendor protection clauses
  - Qualifying the warranties – the disclosure letter
  - Entire agreement clauses

### *Asset Purchases and the Asset Purchase Agreement*

- Specific Issues relating to Asset Sales including:
  - Due diligence issues
  - Warranties and indemnities in the context of an asset purchase
  - The treatment of employees where a business is sold as a going concern
  - Consideration – apportionment and tax issues
  - Dealing with debtors and creditors
  - Transferring assets

### *Management Buy-Outs*

- Structuring the acquisition
- Financing a management buy-out
- Investment structure –the ratchet mechanism
- Provision of warranties

### *Irish Merger Control*

- Application of merger control in Ireland
  - Control
  - Identifying undertakings involved in the transaction
  - Turnover thresholds
- Mandatory and voluntary notifications

### *Financing an acquisition*

- Debt Finance- Bank Loans
  - Types of loan
  - The loan agreement/ facility letter
  - Ranking of debt finance and inter-creditor deeds
  - Provision of security and associated documentation
  - Financial assistance
- Debt Finance – Issue of Debt Securities
  - Restrictions on private companies
  - “Banking Business”
- Equity Finance
  - Issuing further shares to existing shareholders/third parties
  - Restrictions on private companies
  - Shareholder and subscription agreements

### **Materials**

Course materials will be provided in electronic form via Moodle.

**Responsible Staff Member:** Joanne Cox.

# INSOLVENCY

## Why should I choose this elective?

This elective will delve into the many aspects of insolvency that solicitors face in practice. This will include issues such as: personal insolvency; company insolvency; compulsory liquidations; voluntary liquidations; receiverships; alternatives to winding up; and international insolvency. The teaching team are experts in their field and will impart the knowledge necessary to practice in this area.

## Objectives

This course provides the legal foundation necessary to advise and act for: liquidators; receivers; examiners; directors and shareholders of insolvent entities; companies and third parties (such as creditors); banks and employees of insolvent entities. .

The Irish Society of Insolvency Practitioners (ISIP) sponsor a prize for the highest mark obtained in this elective's exam.

Note: this elective comprises 8 lectures and 2 tutorials.

## Syllabus

### *Company Insolvency*

- Effect of winding up on creditors and third parties
- Realisation and distribution of assets
- Proof of debts
- Priorities

### *Liability of Directors and Shareholders*

- Directors' duties
- Reckless and fraudulent trading
- Restriction and disqualification
- Fraudulent preference

### *Court Liquidations*

- Demand Letters and Petitions
- Appointment, powers and duties of a liquidator
- Procedures and filing
- 

### *Voluntary Liquidations and Creditors' Meeting*

- Members voluntary winding up
- Creditors voluntary winding up
- Functions of a liquidator
- Advising the company/ a creditor attending a creditors' meeting



### *Receiverships*

- Eligibility and appointment of a receiver
- Receiver's duties and powers
- Status of company in receivership
- Statutory Receivers pursuant to NAMA Act 2009

### *Alternatives to Winding Up*

- Company voluntary arrangements
- Examinership

### *Personal Insolvency*

- Bankruptcy proceedings
- Arrangements with creditors
- Schemes under the Personal Insolvency Act 2013

### *International Insolvency and Conclusion*

- Bankruptcies
- Liquidations
- International regulation of cross border insolvency
- EU insolvency regulation

## **Materials**

Course materials will be provided in electronic form.

Responsible Staff Member: **Dr Rachael Hession.**

# MEDICAL LAW & LITIGATION

## Why should I choose this elective?

The issues surrounding health care provision are taking on an increasingly important role in society, as the doctor/patient relationship, and the ethical practices of the medical profession are subjected to scrutiny. As a result, the legal regulation of health care is a fast-growing and significant area of law and medical law issues are increasingly encountered in practice, including medical negligence actions.

## Objectives

This elective is designed to equip students with the knowledge to allow them to provide advice to both health care providers and health care recipients in relation to a wide variety of medical law issues and related litigation which can arise in practice.

The lectures in Part A also form part of the Advanced Civil Litigation Elective.

## Syllabus

### Part A

*Recent developments in:*

- Practice and procedure
- Damages
- Personal Injury claims.

*Third Party Practice & Procedure and other Defence strategies.*

- Third party law, practice and procedure.
- The linking and consolidation of proceedings.
- Security for costs
- Calderbank letters, lodgments/tenders

*Mediation*

- When it is appropriate.
- How it works.
- Organising a mediation.

*Costs*

- An overview
- Costs Adjudication
- The Legal Services Regulation Act 2015

### Part B

*Introduction to Medical Law Course Overview.*

- Medicine, Medical Ethics, and the Law.

*Consent to Medical Treatment*

- Informed Consent.

- Overriding refusal of treatment.
- Consent of the mentally incompetent patient.
- Consent of children.

#### *Confidentiality*

- Duty of confidence.
- Exceptions to duty of confidence.
- Access to medical records.

#### *Medical Negligence*

- Common causes of action and their legal basis.
- Difficulties in establishing liability.
- Defences.
- Identifying the appropriate parties.
- Where and how to start.
- Practice and procedure.
- Limitation of actions and want of prosecution.
- Expert evidence.
- Discovery and Freedom of Information.

#### *Coroner's Court*

- Legislation and Role
- Procedures

#### *Mental Health and the Law*

- What is mental illness?
- Voluntary and involuntary treatment of mentally ill patients.
- Mental illness and legal responsibility.
- Mental Health Tribunals.

#### *Regulation of the Medical Professions in Ireland.*

- Health and Social Care Professionals Act 2005
- Statutory professions
- Medical Council and other governing bodies
- Complaints and disciplinary process.

### **Materials**

Course materials will be provided in electronic form via Moodle.

**Responsible Staff Member:** Colette Reid.