

## Law of Evidence

<b>Module title</b>			
Law of Evidence			
<b>Module NFQ level</b> (only if an NFQ level can be demonstrated)	<b>Module number / reference</b>	<b>ECTS Value</b>	<b>Duration</b>
Level 8 NFQ	LLBH - LE	5 ECTS	One semester: 12 weeks.
<b>Parent programme(s).</b> Principal programme title, and embedded(s) if relevant		<b>Stage of parent programme</b>	<b>Semester No.</b>
Bachelor of Laws (Honours)		2	1 or 2
Bachelor of Laws (Honours) in Criminal Justice		2	1 or 2
Bachelor of Laws (Honours) in Commercial Law		2	1 or 2
<b>Teaching and Learning modes</b>	<b>Proportion</b> (% of Total Directed Learning)		
Classroom / Face to Face	19%		
Workplace			
Online			
Other (Identify)	81% (Independent Research and Learning)		
<b>Entry requirements (statement of knowledge, skill and competence)</b>			
Please see section 4.2 for full details of entry requirements.			
<b>Maximum number of learners per instance of the module</b>	Sixty (60)		
<b>Average (over the duration of the module) of the contact hours<sup>1</sup> per week</b>	2		
<b>Pre-requisite module title(s) (if any)</b>	None		
<b>Co-requisite module title(s) (if any)</b>	No		
<b>Is this a capstone module? (Yes or No)</b>	No		
<b>Module-specific physical resources and support required per centre (or instance of the module)</b>			

<sup>1</sup> Effort while in contact with staff

Requirements are for the lecturer to utilise a PC with Microsoft Office, Zoom and access to the internet through which an individual can gain access to the Griffith College student intranet: Moodle. There are no further software requirements for this module. In relation to Microsoft Office the lecturer will require to use PowerPoint or Word to present the information to the learners. Zoom will be required in conjunction with Microsoft Office in order to record the lectures when the module is being delivered for block release or for the Blended Programme when organised in advance. Zoom will also be required for the seminars through which the module will be taught (block release).

**Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff working in this module.**

<b>Role e.g. Tutor, Mentor etc</b>	<b>Qualifications &amp; experience required:</b>	<b># of Staff with this profile (WTEs<sup>23</sup>)</b>
Lecturer	Lecturers expected to hold at least a level 8 legal qualification, preferably with a professional legal qualification. It is an advantage to have completed the Certificate in Education, Learning and Development provided by Griffith College.	0.25 WTE

**Analysis of required learning effort**

<b>*Effort while in contact with staff</b>	<b>Minimum ratio teacher / learner</b>	<b>Hours</b>
Classroom and demonstrations	1:60	24
Mentoring and small-group teaching	-	-
Other (specify)	-	-
<b>Independent Learning</b>		
Directed e-learning (hours)		-
Independent Learning (hours)		101
Other hours (specify)		-
Work-based learning hours of learning effort		-
<b>Total Effort (hours)</b>		125

**Allocation of Marks**

	<b>Continuous Assessment</b>	<b>Supervised Project</b>	<b>Proctored Practical Exam.</b>	<b>Proctored Written Exam</b>	<b>Total</b>

<sup>2</sup> WTE is the whole-time equivalent number. The number 1 indicates a fulltime person fully dedicated to the programme.

<sup>3</sup> .5 indicates a part-time person available to this programme half of the time.

<b>Percentage Contribution</b>				100	<b>100%</b>
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### 6.10.1 Module aims and objectives

The Module allows learners to understand and identify the tenets of the law of evidence in respect of criminal trials and civil hearings. Learners also analyse the relevant statutory instruments, legislation and common law governing the rules of evidence. The Module enables learners to discuss and evaluate the differing perspectives arising from the application of the rules of evidence by State authorities and defendants and identify potential reforms in the Law of Evidence. In this Module learners also develop the ability to appraise and apply the relevant rules of evidence to hypothetical factual scenarios. This includes the ability to research information from library and online sources, including case reports and scholarly research, and to formulate and deliver an effective legal opinion in writing.

### 6.10.2 Minimum intended module learning outcomes

On successful completion of this module, learners will be able to:

- (i) Identify and explain the principles and rules underpinning the law of evidence;
- (ii) Demonstrate knowledge of the rules of evidence in respect of criminal and civil trials;
- (iii) Analyse and discuss categories of evidence where corroboration may be an issue;
- (iv) Develop an understanding of the rationale behind the exclusion of improperly obtained evidence;
- (v) Apply the concepts of the rules of evidence relating to criminal trials and civil trials in different factual situations
- (vi) Communicate and effectively employ advanced research skills, including the use of legal databases, in relation to the law of evidence;
- (vii) Critically analyse the legislative framework and relevant case law as they relate to the competing interests of preserving the common good, the rights of the accused and the rights of the victim;
- (viii) Identify potential reforms in the law of evidence.

### 6.10.3 Rationale for inclusion of the module in the programme and its contribution to the overall MIPLOs

The Law of Evidence is an important area of practice and academic focus within the Irish Legal System. This Module examines the rules of evidence from both a civil and criminal perspective. This area of law is also a core topic in the entrance examinations to the Honorable Society of King's Inns. This Module also integrates with learning on the Criminal Law and Miscarriages of Justice modules and is pre-requisite module for taking the Innocence Project Module in Year 3. The module learning outcomes are aligned to a number of the Programme Learning Outcomes including to critically analyse the theoretical and philosophical underpinnings of the law and to critically evaluate legislation, the Constitution and case law in pursuit of solutions to specific legal problems.

#### 6.10.4 Information provided to learners about the module

The learners will have in their possession their Faculty Handbooks from their previous year. The Faculty Handbook provides general information about the faculty, its staffing, resources, and operation. Detailed programme information is supplied through Moodle, including copies of the approved module descriptors from the accredited programme (detailing related teaching, learning and assessment) along with a programme timetable. Another copy will be provided to the learners upon their request.

During the first class of the Module, learners are given a detailed outline of the Module showing the schedule of delivery and the dates when assignments are released and due for submission.

Moodle is used to provide learners with ongoing access to module related information, from the handbooks and module outlines provided in advance of the module commencement, the lecture material and links to related resources provided on a scheduled basis in line with the module delivery.

#### 6.10.5 Module content, organisation and structure

Law of Evidence is an elective module that is delivered over a 12 week period with two hours of direct contact per week. This topics include:

- Competence and Compellability
- The Rule Against Hearsay
- Corroboration
- Illegally and Unconstitutionality obtained evidence
- Confessions
- Character Evidence
- Privilege against self incrimination
- Privilege
- Opinion Evidence
- Relevance and Admissibility
- Burden of Proof & Reverse Burdens
- Standard of Proof and Presumptions

#### 6.10.6 Module teaching and learning (including formative assessment) strategy

This module is delivered through a series of lectures which consist of tutorial-style discussions, group work sessions and exercises. The lectures are supplemented by structured on-line resources and reading. The final two lectures consist of workshops seeking to directly enforce the module learning outcomes by engagement of practical application of Employment law to factual scenarios.

Formative assessment is provided in the form of interactive exercises such as directed class discussion topics and reference current affairs pertaining to employment law at the time of instruction.

Learners also engage in collaborative work in pairs or groups to brainstorm what learning has been achieved at the end of lectures. In order to support learners through the exam process they engage

in the answering of sample exam questions and correction of their own or peers' papers, thereby familiarising themselves with the marking criteria. Learners also engage in activities whereby they draft their own exam question in order to recap and reconsolidate a particular topic.

### 6.10.7 Work-based learning and practice-placement

Law of Evidence is a class based 5 ECTS credit module and does not require work-based learning and practice placement.

### 6.10.8 E-learning

Moodle, the College Virtual Learning Environment is used to disseminate notes, advice, and online resources to support the learners. E-learning activities include learner feedback, forums where learners contribute, formative quizzes and video links. The learners will also have access to a number of other online resources through the library such as access to databases and research tools (Westlaw.ie, Westlaw.uk, JustisOne (vLex) and Hein Online) as well as access to online copies of books published from Bloomsbury Online.

### 6.10.9 Module physical resource requirements

Requirements are for the lecturer to utilise a PC with Microsoft Office, Zoom and access to the internet through which an individual can gain access to the Griffith College student intranet: Moodle. There are no further software requirements for this module. In relation to Microsoft Office the lecturer will require to use PowerPoint or Word to present the information to the learners. Zoom will be required in conjunction with Microsoft Office in order to record the lectures when the module is being delivered for block release or for the Blended Programme when organised in advance. Zoom will also be required for the seminars through which the module will be taught (block release).

### 6.10.10 Reading lists and other information resources

#### *Primary reading*

- *McGrath, D. (2020) Evidence. Dublin: RoundHall*
- *Fennell, C. (2020) The Law of Evidence in Ireland. Dublin: Bloomsbury Professional*
- *Heffernan, L. & Ní Raifeartaigh, U. (2020) Evidence in Criminal Trials. Dublin: Bloomsbury Professional*

#### *Secondary reading*

- *Twining, W. (2009), Rethinking Evidence: Exploratory Essays: Cambridge University Press*
- *Hamilton C. (2007), The Presumption of Innocence and the Irish Criminal Law 'Whittling the Golden Thread'. Irish Academic Press.*
- *Law Reform Commission Paper on 'Expert Evidence' (2008)*
- *Law Reform Commission Consultation Paper on 'Documentary and Electronic Evidence' (2009)*
- *Law Reform Commission Consultation Paper on 'Hearsay in Civil and Criminal Cases' (2010)*

### *e-Resources*

- *Bloomsbury Professional Online*
- *JustisOne – Vlex*
- *Westlaw.ie*
- *Westlaw UK*
- *Heinonline*
- *Griffith College Library Website*

### 6.10.11 Specifications for module staffing requirements

Lecturers qualified to at least a Level 8 legal qualification (LLB (Honours), preferably with a professional legal qualification and a third level teaching qualification (e.g. Certificate in Education, Learning and Development offered by Griffith College). Learners also benefit from the support of the Programme Director, Faculty Administrators, a dedicated Learning Technologist Office, the Learning Supports Office, at least one Learner Representative for each Stage, the Students' Union and a free (off campus) Counselling Service.

### 6.10.12 Module summative assessment strategy

The Module is assessed through a written examination worth 100%. The examination consists of an equal choice of both essay and problem style questions. Essay style questions place emphasis on the learners' demonstrating their understanding of the fundamental principles of evidence law. Problem style questions enable learners to apply principles of evidence law to factual scenarios. The following table indicates the module's learning outcomes' alignment with the assessment used for the module:

No.	Description	MIMLOs	Weighting
1	Exam	i, ii,iii,iv,v, vi	100%

**Reassessment/Repeat assessment strategy:** Griffith College regulations state that learners must pass all component elements of the module to be deemed to have passed the module.

- In the event of a learner failing components of / this module, they will be required to submit a new individual repeat assignment which will be made available on Moodle to learners, and which must be submitted as per faculty instructions.
- In the event of a learner failing the group assessment element of this module, a new individual repeat assignment will be made available on Moodle to learners which must be submitted as per faculty instructions.
- In the event of the learner failing the exam, learners will take the re-sit exam at the next available sitting, details of which will be made available to learners via Moodle.

### 6.10.13 Sample assessment materials

Please see sample assessment supplementary document.