

Miscarriages of Justice

Module title			
Miscarriage of Justice			
Module NFQ level (only if an NFQ level can be demonstrated)	Module number / reference	ECTS Value	Duration
Level 8 NFQ	LLBH - MCJ	5 ECTS	12 weeks.
Parent programme(s). Principal programme title, and embedded(s) if relevant		Stage of parent programme	Semester No.
Bachelor of Laws (Honours)		3	1
Bachelor of Laws (Honours) in Criminal Justice		3	1
Bachelor of Laws (Honours) in Commercial Law		3	1
Teaching and Learning modes	Proportion (% of Total Directed Learning)		
Classroom / Face to Face	19%		
Workplace			
Online			
Other (Identify)	81% (Independent Research and Learning)		
Entry requirements (statement of knowledge, skill and competence)			
Please see section 4.2 for full details of entry requirements.			
Maximum number of learners per instance of the module	Sixty (60)		
Average (over the duration of the module) of the contact hours¹ per week	2		
Pre-requisite module title(s) (if any)	Law of Evidence		
Co-requisite module title(s) (if any)	No		
Is this a capstone module? (Yes or No)	No		
Module-specific physical resources and support required per centre (or instance of the module)			

¹ 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

Role e.g. Tutor, Mentor etc	Qualifications & experience required:	# of Staff with this profile (WTEs²³)
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

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

Allocation of Marks

	Continuous Assessment	Supervised Project	Proctored Practical Exam.	Proctored Written Exam	Total

² WTE is the whole-time equivalent number. The number 1 indicates a fulltime person fully dedicated to the programme. ³ .5 indicates a part-time person available to this programme half of the time.

Percentage Contribution	100				100%
--------------------------------	-----	--	--	--	-------------

6.1.1 Module aims and objectives

This module aims to inspire in learners a passion for justice and human rights. Educate learners in responsible clinical practice. It further seeks to develop a political, theoretical and practical understanding of the causes of miscarriages of justice.

Finally, it seeks provides learners with clinical legal placements within which to develop their capacity to understand and analyse the causes of miscarriages of justice and the mechanisms to prevent them.

6.1.2 Minimum intended module learning outcomes

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

- (i) Apply knowledge of the issues that cause and contribute to wrongful convictions and miscarriages of justice.
- (ii) Critically analyse the legislative framework and relevant case-law with regard to the competing interests of preserving the 'common good' of society, rights of the accused and rights of the victim.
- (iii) Formulate and critique potential reforms of the criminal justice system.

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

This module seeks to identify the causes of wrongful convictions, both generally and within the Irish jurisdiction. It also examines the legal regimes and case law in Ireland relating to miscarriages of justice. It allows learners to apply their general legal knowledge, acquired in earlier courses such as Criminal Law, to a specialised field. It promotes awareness in learner of the causes of wrongful convictions and how these can be remedied, reduced, or prevented.

It also indicates potential avenues for reform of current legal regimes which relate to this area. It particularly engages with IPLO's 3-7 through engagement with the primary and secondary sources for the course and in the formative and summative assessment for the course. The examination of potential for reform specifically engages with IPLO 10, through a sustained engagement with the social and political contexts of wrongful conviction and examination the manner by which the influence of these social and political contexts on the course of criminal system can be negate or diminished in service of justice.

6.1.4 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.

6.1.5 Module content, organisation and structure

Miscarriages of Justice is taught and assessed over one academic semester. The module is delivered over 12 lecture sessions of 2 hours' duration.

- Introduction to Miscarriages of Justice
- The Criminal Procedure Act 1993
- Eyewitness Misidentification
- False Confessions
- Incentivised Informants
- Police and Prosecutorial Misconduct
- Ineffective Assistance of Counsel
- Forensic Science – Crime Scene Investigations, Fingerprint/Hair/Fibre/DNA Analysis
- Expert Evidence
- Comparative studies of domestic and international criminal justice systems • Potential reforms of the Irish legal system to prevent wrongful convictions.

6.1.6 Module teaching and learning (including formative assessment) strategy

The module is delivered by means of participative lectures which consist of tutorial-style discussions, group work sessions and exercises. Formative assessment is provided through tutorial-style discussion, group work and exercises focus on specific case law and problem-based learning requiring the learner to analyse the law and apply it circumstances in which miscarriages of justice would tend to be produced. The lectures are supplemented by structured on-line resources and reading.

In order to support learners through the exam process, they engage in answering of sample exam questions and correction of their own and peers' papers, thereby familiarising themselves with the module learning outcomes and marking criteria. Learners also engage in workshops and online discussion forums to complement and reinforce their learning.

Learners undertaking the course via blended learning benefit from varied and additional options for engagement to compensate their reduced attendance of campus. These include webinars, screencasts (recorded lectures), discussion fora, and increased use of the College's VLE (Virtual Learning Environment), Moodle.

In addition to what has been stated, classroom assessment and benchmarking techniques are deployed to encourage learners to develop more agency in terms of their own learning including inclass presentations, group work, peer-review exercises and reflective practice. The variety of teaching, learning and assessment techniques reflect an enhanced emphasis on skills acquisition to deepen practical knowledge. Finally, the attention of learners is drawn to current industry practice and technology used in the specific area of law to add a further dimension to learning, tracking the actual practice of legal professionals.

6.1.7 Work-based learning and practice-placement

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

6.1.8 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.

6.1.9 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).

6.1.10 Reading lists and other information resources

Primary reading

- *Garrett, B (2011) Convicting the Innocent: Where Criminal Prosecutions Go Wrong. Cambridge, MA: Harvard University Press.*
- *Langwallner, D. (2012) Miscarriages of Justice in Ireland Journal of Irish Law • Morton, J (2015) Justice Denied: Extraordinary Miscarriages of Justice, Robinson.*
- *Walker, C. and Starmer, K. (1999) Miscarriages of Justice: A Review of Justice in Error, London: Blackstone*

Secondary reading

- *Anonymous (2018) The Secret Barrister: Stories of the Law and How It's Broken. Pan MacMillan*

- Belloni, F. and Hodgson, J. (2000) *Criminal injustice: an evaluation of the criminal justice process in Britain*, Basingstoke: MacMillan.
- Griffiths, J. (1970) 'Ideology in Criminal Procedure or a Third Model of the Criminal Process', *Yale Law Journal.*, 79 (33): 359-417.
- Hamilton C. (2007) *The Presumption of Innocence and the Irish Criminal Law 'Whittling the Golden Thread'*. Irish Academic Press.
- Hucklesby, A. and Wahidin, A. (2013) *Criminal Justice, 2nd Edition*, Oxford: Oxford University Press, Introduction.
- Jackson, J. (2002) 'The Adversary Trial and Trial by Judge Alone' in M. McConville and R. Wilson (eds) *The handbook of the criminal justice process*, Oxford: Oxford University Press.
- Liebling, A., Maruna, S., and McAra, L. (eds) (2017) *The Oxford Handbook of Criminology, 6th Edition*, Oxford: Oxford University Press.
- Scheck, B, Neufeld P, and Dwyer J. (2000) *Actual Innocence: When Justice Goes Wrong and How to Make it Right*. New York: Doubleday.
- Yant, Martin (1991) *Presumed Guilty: When Innocent People Are Wrongly Convicted*. Amherst, NY: Prometheus.

e-Resources

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

6.1.11 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.

6.1.12 Module summative assessment strategy

Theoretical knowledge will be assessed by continuous (summative) assessment (100%). The continuous assessment shall consist of a written assignment divided into two stages: a Designated Article Review worth 40% of the overall marks and a submission of written Project Work worth 60% of the final mark.

The following table indicates the module's learning outcomes' alignment with the assessment used for the module:

No.	Description	MIMLOs	Weighting
1	Assignment – Review of Designated Article (1,500 words)	i	40%
2	Project (2,500 words)	i-vi	60%

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.

6.1.13 Sample assessment materials

Please see sample assessment supplementary document.