

Stage 1

1.1 Module 1 Introduction to Law and Legal Skills

1.1.1 Headline information about the module

Module title	Introduction to Law and Legal Skills
Module NFQ level (only if an NFQ level can be demonstrated)	N/A
Module number/reference	Module 1
Parent programme(s) the plural arises if there are embedded programmes to be validated.	LLB (Hons)
Stage of parent programme	1
Semester (semester1/semester2 if applicable)	Semester 1 and 2
Module credit units (FET/HET/ECTS)	ECTS
Module credit number of units	10
List the teaching and learning modes	Full time, Part time,
Entry requirements (statement of knowledge, skill and competence)	Learners to have programme entry requirements
Pre-requisite module titles	N/A
Co-requisite module titles	N/A
Is this a capstone module? (Yes or No)	No
Specification of the qualifications (academic, pedagogical and professional/occupational) and experience required of staff (staff includes workplace personnel who are responsible for learners such as apprentices, trainees and learners in clinical placements)	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 Training and Education provided by Griffith College
Maximum number of learners per centre (or instance of the module)	60
Duration of the module	Two Semesters, 24 weeks
Average (over the duration of the module) of the contact hours per week (see * below)	3
Module-specific physical resources and support required per centre (or instance of the module)	Lecture room with internet access and digital projector.

Analysis of required learning effort										
Effort while in contact with staff										
Classroom and demonstrations		Mentoring and small-group tutoring		Other (specify)		Directed e-learning (hours)	Independent learning (hours)	Other hours (specify)	Work-based learning hours of learning effort	Total effort (hours)
Hours	Minimum ratio teacher/learner	Hours	Minimum ratio teacher/learner	Hours	Minimum ratio teacher/learner					
72	1:60						178			250
Allocation of marks (within the module)										
				Continuous assessment	Supervised project	Proctored practical examination	Proctored written examination	Total		
Percentage contribution				50			50	100%		

1.1.2 Module aims and objectives

The module aims to provide learners with a core understanding of the rules and principles that underpin the Irish legal system and an appreciation of the role of law in society. Learners are enabled, in particular to understand and explain how the system of law developed and is developing, including knowledge of the hierarchy of legal sources and an understanding of types of legal rules and forms. The module also aims to enable learners to utilize and understand legal referencing and research tools.

1.1.3 Minimum intended module learning outcomes

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

- (i) Explain how the Irish legal system including the principal functionaries within the legal professions and how the courts are accessed.
- (ii) Evaluate the fundamental legal principles such as statutory interpretation and judicial precedent
- (iii) Interpret primary legal materials including case law and legislation
- (iv) Analyse the relationships between domestic and regional and international law.
- (v) Conduct effective research of legal problems using both hard copy sources and online legal databases.
- (vi) Communicate their opinions and ideas in an appropriately legal manner.
- (vii) Construct legal arguments and engage in legal analysis of problems.
- (viii) Analyse and investigate the relationship between the legal process and broader social issues.

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

The Introduction to the Law and Legal Skills is a core module where learners become familiar with basic legal principles and an understanding of the Irish legal system. The learner outcomes of this module underpin a lot of the learning to be applied in other modules and so contributes to most of the Intended Programme Learning Outcomes. The module learning outcomes are aligned to a number of the Programme Learning Outcomes.

1.1.5 Information provided to learners about the module

Learners will receive the following resources and materials in advance of commencement: Module descriptor, module learning outcomes, class plan, assignment and presentation briefs, assessment strategy, reading materials, notes etc.

Additionally, this material will be made available through Moodle, the College Virtual Learning Environment, along with other relevant resources and activities.

1.1.6 Module content, organisation and structure

The Introduction to the Law and Legal Skills module is a 10 ECTS credit module taught and continuously assessed over two academic semesters. The module is delivered over 24 lecture sessions of two hours duration and 24 tutorial sessions of one hour's duration.

The Learning Outcomes for this programme have been aligned with the knowledge, skills and competencies indicated as appropriate for Level 6 on the NFQ. They have been explicitly articulated using the Quality and Qualifications Ireland (QQI) Awards Standards for Law.

Specifically, the topic covered are as followings

- The Purpose of Law
- The Nature and Classification of Law
- The Historical Development of the Irish Legal System
- The Sources of Law
- The Courts System in Ireland
- The Doctrine of precedent
- Legislation and Legislative Interpretation
- Legal Professionals
- Alternative Dispute Resolution
- Access to Justice
- Introduction to European Law
- Introduction to International Law
- Law and a Tool for Social Change
- Reading the Law
- Academic Writing
- Constructing a Legal Argument
- Legal Research
- Study Skills
- Exam Skills

1.1.7 Module teaching and learning (including formative assessment) strategy

Teaching and learning methods for this module include delivery of theory through lectures, guest talks and online supports on Moodle, the College virtual learning environment. Learners also attend tutorials, which embody discussions group work sessions and exercises.

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

Formative assessment is provided in the form of interactive exercises such as directed class discussions, moot courts, debate and group exercises with reference to the module curricular and current affairs pertaining to the Irish legal system at the time of instruction.

Classroom assessment and benchmarking techniques are used to encourage learners to develop more agency in terms of their own learning. These include in-class 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. Learners are introduced 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.

1.1.8 Work-based learning and practice-placement

There is no work based learning or practical placement involved in this module.

1.1.9 E-learning

Moodle is used to disseminate notes, advice, and online resources to support the learners. The learners are also given access to Lynda.com as a resource for reference.

1.1.10 Module physical resource requirements

Requirements are for a fully equipped classroom. The classroom is equipped with a PC and Microsoft Office, no other software is required for this module.

The College library has a dedicated law section and online legal research tools (Justice One, Westlaw, Hein Online)

1.1.11 Reading lists and other information resources

Primary Reading

Byrne, R. & McCutcheon, P. (2016) The Irish Legal System. Dublin: Bloomsbury

Kenneally, A. & Tully, J. (2013) The Irish Legal System. Dublin: Clarus Press

Donovan, D. (2010) The Irish Legal System. Dublin: Roundhall

Holland, J. & Webb, J. (2013) Learning Legal Rules: A Students Guide. Oxford: OUP

Schweppe, J., Kennedy, R. & Fahy, E. (2012) How to Think, Write and Cite: Key Skills for Irish Law Students. Dublin: Roundhall

Thornton, L., Ni Mhuirthile, T. & O'Sullivan, C. (2014) Fundamentals of the Irish Legal System. Dublin: Roundhall (publication pending)

1.1.12 Specifications for module staffing requirements

Lecturers qualified to at least a level 8 legal qualification (LLB (Hons), BABL, BALB, preferably with a professional legal qualification and a third level teaching qualification (e.g. Certificate in Training and Education).

Learners also benefit from the support of the Programme Director, Programme Administrator, Lecturers, Learner Representative, Students' Union and Counselling Service.

1.1.13 Module summative assessment strategy

Theoretical knowledge will be assessed by both continuous assessment (50%) and a summative end of year examination (50%). The continuous assessment shall consist of two elements: a case brief (20%) and a research record (30%). The examination will consist of both essay and problem style questions. Essay style questions will place emphasis on the demonstration of understanding pertaining to the framework of the Irish Legal System. Problem Style questions will enable learners to apply the principles of law to a factual scenario.

The assessed work breakdown can be seen in the table below.

No.	Description	MIMLOs	Weighting
1	Exam	i to iv and viii	50%
2	Case Brief	iii	20%
3	Research Record	v to viii	30%

1.1.14 Sample assessment materials

Sample A - Case Brief

Summarise the following case, i.e. distil the most important points and restate them in your own words.

Case: *Pharmaceutical Society of Great Britain v Boots Cash Chemists (Southern) LD [1953] 1 QB 401*

Summary should include:

- Case name
- Parties
- Court/Judge(s) that decided it
- Year it was decided
- Procedural background (first instance, appeal, case stated)
- Legally relevant facts
- Legal issue(s), i.e. the factual legal question(s)
- What did the court decide? Finding/Ruling (including dissents)
- Why did the court decide that? Rationale/Reasoning (ratio)

Sample B - Research Record

Please complete a legal research record outlining the steps you have taken in researching an assignment for one of your other law modules.

All the following must be provided:

- (i) Provide a full list with full and correct citations of all the sources you identified as being of potential relevance to the assignment. (There must be at least one example of each type of source of books, articles and cases).
- (ii) For each source, outline the steps you took to uncover relevant information and the keywords you used to find the information. Note any difficulties you encountered in finding the information and the steps you took to overcome those difficulties.
- (iii) Reflect on how useful you found each source listed in 1, above, according to each of these four criteria: relevance, reliability, authority and objectivity.
- (iv) If you were to undertake a similar research exercise tomorrow, what would you do differently?
- (v) Students should present the results of research in an effective manner, using accurate and appropriate language, legal terminology and the OSCOLA (Oxford Standard for the Citation of Legal Authorities) Ireland citation rules.

Sample Examination

Answer any three of the following questions.

All questions carry equal marks.

Question 1

Delegated legislation undermines the 'sole and exclusive' legislative power of the Oireachtas. Discuss with reference to relevant case law.

Sample Answer 1

- *Students should refer to sole making legislative power of Oireachtas granted by Article of the Constitution and then the limited delegated power created by Article of the Constitution.*
- *Students should refer to the rationale behind delegated legislation, including: - Essential to the smooth and efficient running of the State.*
- *If every piece of law were required to be enacted by the process outlined, both the efficiency and the quality of law making would suffer.*
- *Students should refer to the necessity of delegated legislation being intra vires, explain what this means and refer to relevant case law: Pigs Marketing Board v Donnelly [1939] IR 413*
- *Students should outline the forms of delegated legislation.*
- *Students should refer to the control mechanisms placed on delegated legislation – both by the courts and the Oireachtas.*

- *Students should outline the advantages and disadvantages of delegated legislation.*

Question 2

Describe the hierarchy of the Civil Court structure outlining the original and appellate jurisdiction of each court, from where each court derives its power and the composition of each court.

Sample Answer 2

- *Students should refer to the following Courts: -*
- *Supreme Court; Court of Appeal; High Court; Circuit Court and District Court*
- *Students should outline the following for each of the above-mentioned courts:*
- *Supreme Court*
 - *Jurisdiction – appellate and consultative – Court of final appeal save for matters referred to ECJ or ECtHR – consultative jurisdiction to the President via an Article 26 reference*
 - *Power derived from – Article 34.4.1 and Article 34.4.3 of the Constitution*
 - *Composition – collegiate court (3 judges usually) (Constitutional matters 5 judges)*
- *Court of Appeal*
 - *Jurisdiction appellate and consultative*
 - *Power derived from - 33rd referendum and Court of Appeal Act, 2014 – jurisdiction of CCA transferred to this Court*
 - *Deals with criminal and civil appeals*
 - *Court president plus 9 judges*
 - *Collegiate court (3 judges usually)*
 - *First sitting 5th November 2014*
- *High Court*
 - *Jurisdiction – court of first instance, appellate and consultative - Power to determine all matters of law or fact, civil or criminal. Exclusive jurisdiction in constitutional challenges to Acts.*
 - *Power derived from – Article 34.3.1 and Article 34.3.2 of the Constitution*
 - *Composition - Consists of President of HC and 36 ordinary judges. One judge will usually constitute a court; however, in some circumstances, three judges will constitute a court.*
 - *Students should also refer to the Commercial Court - Sub-division of the High Court established in 2004 with sole jurisdiction to hear commercial cases where the value exceeds €1 million.*
- *Circuit Court*
 - *Jurisdiction – court of first instance and appellate – court of local and limited jurisdiction – civil cases jurisdiction limited to €75,000 in all matters save PI (€60,000) unless all parties consent to unlimited jurisdiction.*
 - *Power derived from – Article 34.3.4 of the Constitution.*
 - *Composition - Consists of a President of the CC and 37 ordinary judges. Country divided into 8 circuits. One judge will constitute a court.*
- *District Court*

- *Jurisdiction – court of first instance – court of local and limited jurisdiction – civil cases jurisdiction limited to €15,000. Small claims court deals with claims up to €2,000. Deals with licences, minor family law matters etc.*
- *Power derived from – Article 34.3.4 of the Constitution*
- *Composition – consists of President of the DC plus 60 ordinary judges. Country divided into 23 districts.*

Question 3

With reference to relevant case law, identify and explain the rules that courts follow when interpreting legislation.

Sample Answer 3

Students should refer to the three Canons of interpretation:

- *The Literal Rule*
 - A judge should give the words used in the statute their natural and ordinary meaning within the context in which they are used.
 - Students should refer to relevant case law: *Rahill v Brady* [1971] IR 69; *Inspector of Taxes v Kiernan* [1982] ILRM 13; *Howard v Commissioners of Public Works* [1994] 1 IR 101
- *The Golden Rule*
 - Used by the courts where the literal interpretation of the words would lead to such an absurdity that it is self-evident that the legislature could not have meant what is stated.
 - Students should refer to relevant case law: *Re Sigsworth* [1935] Ch 89 Ch Division
- *The Mischief Rule*
 - The court should examine the ‘mischief’ or the defect which the Statute was enacted to rectify in order to ascertain what was meant by a particular provision contained within it.
 - Students should refer to relevant case law: *People (AG) v McGlynn* [1967] IR 232, at 242

Question 4

Discuss mediation as a method of alternative dispute resolution, with reference to relevant case law and legislative provisions including the Mediation Act 2017.

Sample Answer 4

- *Students should outline that with mediation, parties to a dispute select and agree upon an independent party to assist them in reaching a settlement on which they both agree.*
- *Students should refer to relevant family law legislative provisions providing for mediation prior to litigation – Judicial Separation and Family Law Reform Act 1989 and Family Law Divorce Act 1996*
- *Students should refer to the Family Mediation Service*
- *Students should refer to relevant case law: Charlton v Kenny [2008]*

- *Students should refer to the Directive on Certain Aspects of Mediation in Civil and Commercial Matters (2008) and the European Communities (Mediation) Regulations 2001, SI 2011/209*
- *Students should refer to the Law Reform Commission, Report on Alternative Dispute Resolution: Conciliation and Mediation LRC 98-2010 calling for a legislative framework to be introduced*
- *Finally, students should refer to the Mediation Act 2017*

Question 5

The Court of Justice of the European Union (CJEU) interprets EU law to make sure it is applied in the same way in all EU countries, and settles legal disputes between national governments and EU institutions

Discuss the functions and the makeup of the European Court of Justice

Sample Answer 5

- *Central institution of European Union: Article 19(1) of the Treaty on the European Union (TEU) notes that “in the interpretation and application of Treaties the law is observed.*
- *Composed of 28 Judges and nine Advocates General.*
- *The Advocates General role is to assist the Court.*
- *Responsible for presenting, with complete impartiality and independence, an ‘opinion’ in the cases assigned to them.*
- *Opinion, however, is not binding. In practice, however, it is followed in most cases.*
- *Judges and Advocates General are appointed by governments of the Member States and are appointed for a term of office of six years, which is renewable.*
- *They are chosen from among individuals whose independence is beyond doubt and who possess the qualifications required for appointment, in their respective countries, to the highest judicial offices, or who are of recognised competence.*
- *The Court may sit as a full court, in a Grand Chamber of 15 Judges or in Chambers of three or five Judges.*
- *The Court sits as a full court in the particular cases prescribed e.g. to dismiss the European Ombudsman or a Member of the European Commission who has failed to fulfil his or her obligations i.e. cases of exceptional importance.*
- *It sits in a Grand Chamber when a Member State or an institution which is a party to the proceedings so requests, and in particularly complex or important cases.*
- *Other cases are heard by Chambers of three or five Judges*

Question 6

Outline the main developments in and reforms to the Irish legal system that have taken place since the 19th Century.

Sample Answer 6

Students should refer to:

- *The Supreme Court of Judicature (Ireland) Act in 1877 and the development of the superior courts.*
- *Development of the inferior courts.*
- *The Act of Union 1800 had totally disbanded the Dublin Parliament.*
- *In the early 20th Century, it was the aim of Irish nationalists to repeal this Act and recover national independence.*
- *The first important step on the road to independence was the Government of Ireland Act 1914.*
- *In 1919 Dáil Éireann was established at a meeting of Sinn Fein as the first National Parliament; however, not recognised by England.*
- *Development of court system under Dáil Éireann; however, no lawful authority resulting in The Dáil Éireann Courts (Winding Up) Act 1923.*
- *The Government of Ireland Act 1920 - provided for two separate forms of government in Ireland: one in Southern Ireland and one in Northern Ireland. They each had their own executive and court system, with a High Court and Court of Appeal in each. The High Court of Appeal of Ireland was to hear appeals from both. However, parliaments were ultimately subject to the power of the Parliament of Westminster.*
- *The Constitution of the Irish Free State (Saorstát Éireann) Act 1922 bringing the 1922 Constitution into law.*
- *1923 Judiciary Committee proposing the current court system that exists today.*
- *Courts of Justice Act 1924 implemented the Judiciary Committee's recommendations.*
- *Bunreacht na hÉireann 1937.*