

## Module 22: Miscarriages of Justice

<b>Stage</b>		3					
<b>Semester</b>		1 or 2					
<b>Module Title</b>		LLBH-MOJ					
<b>Module Number</b>		22					
<b>Module Status</b>		Elective					
<b>Module ECTS Credits</b>		5					
<b>Module NFQ level</b>		8					
<b>Pre-Requisite Module Titles</b>		None					
<b>Co-Requisite Module Titles</b>		None					
<b>Capstone Module?</b>		No					
<b>List of Module Teaching Personnel</b>		Dean David Langwallner					
<b>Contact Hours</b>				<b>Non-contact Hours</b>			<b>Total Effort (hours)</b>
24				76			100
<b>Lecture</b>	<b>Practical</b>	<b>Tutorial</b>	<b>Seminar</b>	<b>Assignment</b>	<b>Placement</b>	<b>Independent Work</b>	
24				20		56	100
<b>Allocation of Marks (Within the Module)</b>							
	<b>Continuous Assessment</b>	<b>Project</b>	<b>Practical</b>	<b>Final Examination</b>	<b>Total</b>		
<b>Percentage Contribution</b>	30			70	100		

### Intended Module Learning Outcomes

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

1. Comprehend the fundamental causes of miscarriages of justice.
2. Examine how advanced DNA testing can unearth and potentially prevent miscarriages of justice.
3. Explore how fabricated evidence and lies can lead to miscarriages of justice.
4. Assess how ineffective assistance of counsel may lead to miscarriages of justice.
5. Develop a political and human rights consciousness with regard to the causes of miscarriages.
6. Demonstrate awareness of critical failings in the justice system.
7. Employ research skills and communicate effectively in the area of miscarriages of justice.

## Module Objectives

1. Inculcate in learners a passion for justice and human rights.
2. Educate learners in responsible citizenship
3. Develop a political and theoretical and practical understanding of the causes of miscarriages of justice.
4. Enable learners to understand and analyse the causes of miscarriages of justice and the mechanisms to prevent them.

## Module Curriculum

- What is a Miscarriage of Justice
- The Criminal Procedure Act 1993
- Causes of Miscarriages of Justice
- Invented or fabricated evidence
- DNA testing
- Ineffective Assistance of Counsel
- False Confessions
- Case Studies
- Potential reforms of Irish Legal System to alleviate miscarriages.

## Reading lists and other learning materials

### Primary Reading:

Langwallner: Miscarriages of Justice in Ireland Journal of Irish Law 2012  
Garrett, B. (2011) *Convicting the Innocent: Where Criminal Prosecutions Go Wrong*.  
Cambridge: Harvard University Press.

### Secondary Reading:

Christiansen, S. (2006) *Innocent: Inside Wrongful Conviction Cases*. New York: NYU Press  
Eggers, D. and Vollen, L. (2005) *Surviving Justice: America's Wrongfully Convicted and Exonerated*. San Francisco: McSweeney's Quarterly & Books  
Hill, P. J & Hunt, G. (1996) *Forever Lost, Forever Gone*. London: Bloomsbury  
Grisham, J. (2006) *The Innocent Man*. New York: Doubleday  
Loftus, Elizabeth (1996) *Eyewitness Testimony*. Cambridge: Harvard University Press  
Petro, J. and Petro, N. (2011) *False Justice: Eight Myths that Convict the Innocent*. New York: Kaplan Publishing  
Prejean, H. (2006) *The Death of Innocents: An Eyewitness Account of Wrongful Executions*. New York: Vintage  
Scheck, B., Neufeld, P. & 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: Prometheus

**Film:**

- West Memphis Three
- Ox Bow Incident
- Twelve Angry Men
- Capturing the Friedmans
- The Thin Blue Line
- In the Name of the Father
- The Hurricane
- The Central Park Five

**Module Learning Environment****Accommodation**

Lectures and workshops take place in a classroom setting. Participants also have access to online teaching resources and Moodle

**Library**

All learners have access to an extensive range of “physical” and “remote access” library resources. The library monitors and updates its resources on an on-going basis, in line with the College’s Library Acquisition Policy. Lecturers collaborate with the library in updating reading lists for this course on an annual basis as is the norm with all programmes run by Griffith College.

**Module Teaching and Learning 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 Miscarriages of Justice to factual scenarios.

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.

## Module Assessment Strategy

Theoretical knowledge is assessed through submission of a written assignment worth 50% and by an end of module examination worth 50% of the total marks in this subject.

Element No.	Weighting	Type	Description	Module Learning outcomes
1	30%	Assignment	The assignment requires research and structured argument relating to some practical aspect of the Law relating to Miscarriages of Justice	7
2	70%	Exam	The examination consists of a choice of both essay and problem style questions. Essay style questions place emphasis on the learners' demonstrating their understanding of the fundamental principles of Miscarriages of Justice, thereby assessing learning outcomes 1 to 6. Problem style questions enable learners to apply principles of Miscarriages of Justice to a factual scenario, thereby assessing learning outcomes 1 to 6. Formative assessment is provided in the form of interactive exercises such as directed class discussion topics and reference current affairs pertaining to miscarriages of justice at the time of instruction.	1-6

Sample Assessment with Rubrics - see Annex 2