**Module: LA4001 - LEGAL SYSTEM AND METHOD**

**Hours Per Week:**

*Lecture:* 2 *Tutorial: 1*

*Credits:* 6

**Rationale and Purpose of the Module:**

To introduce the discipline of law through an examination of the functioning of the legal system, sources of law and legal methodology.

**Syllabus:**

The concept of law, common law, civil law in Europe. Classification of law: municipal, international, substantive, procedural, public, and private. The administration of justice in Ireland. Sources of law: common law, legislation, the Constitution, European law. Elements of the Constitution of Ireland. Legal reasoning and methodology.

**Learning Outcomes:**

*Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)*

On successful completion of this module, students will be able to: Describe the key legal and political institutions of the Irish legal system. Identify the binding and persuasive sources of law in the Irish legal system. Explain the role of the courts within the constitutional separation of legal-political powers in Ireland. Examine and evaluate the operation of stare decisis or precedent in Irish adjudication. Examine and evaluate the process of statutory interpretation in Irish adjudication.

**Prime Texts:**

* Raymond Byrne and others, *Byrne and McCutcheon on the Irish Legal System* (6th edn, Bloomsbury 2014
* Tanya Ní Mhuirthile, Catherine O’Sullivan and Liam Thornton, *Fundamentals of the Irish Legal System* (Roundhall 2016)

**Semester - Year to be First Offered:**

Autumn - 09/10

**Academic Instruments:**

Continuous assessment comprising multiple choice questions, case note and end-of-year assignment

**Module Leader:**

Lydia.Bracken@ul.ie

**Module LA4012 - COMPARATIVE LEGAL SYSTEMS**

**Hours Per Week:**

*Lecture:* 2 *Tutorial: 1*

*Credits:* 6

**Rationale and Purpose of the Module:**

To show the evolution of some of the distinguishing features of the major legal families and to examine some alternatives offered by non-western cultures.

**Syllabus:**

The idea of law. Legal concepts. The historical development of common law. Early Irish law. Roman law. Civil law. Some fundamental concepts. German, French, Spanish and Scottish legal systems - introduction. How a Civil lawyer finds the law. American legal system. Other conceptions of law and the social order.

**Learning Outcomes:**

*Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)*

On successful completion of this module, students will be able to: Identify the different approaches to comparative law. Summarise the binding and persuasive sources of law, both historical and contemporary, in the Anglo-American and continental legal traditions. Describe the impact of the Anglo-American and continental legal traditions around the world and discuss other major alternative traditions. Compare the role of the judge and the status of jurisprudence (case law) in the Anglo-American and continental legal traditions. Assess the convergence or divergence between the Anglo-American and continental legal traditions in Europe. Contrast the structures and aims of national and international law.

**Semester - Year to be First Offered:**

Spring - 09/10

**Module Leader:**

Lydia.Bracken@ul.ie

**Module: LA4033 - LAW OF THE EUROPEAN UNION 1**

**Hours Per Week:**

*Lecture:*2 *Tutorial: 1*

*Credits:* 6

**Rationale And Purpose Of The Module:**

The aim of the module is to equip the student with an understanding and knowledge of the basic principles and rules of the European Union, including: the origins and character of European Union law, beginning with the three original Community Treaties, developments from the 1960s up to the Lisbon Treaty and the subsequent Stability Treaty. Each of the Institutions will be examined: Parliament, Commission, Council, European Council, Court of Auditors, European Central Bank and the Court system (General Court, Court of Justice of the European Union and Civil Service Tribunal). Sources of law-Primary (Treaties), Secondary (Regulations, Directives etc), Case law of the Court of Justice of the European Union. Enforcement of EU law-Infringement proceedings (Article 258), proceedings for failure to act (Article 265), proceedings for failure to fulfil an obligation (Article 259); Preliminary references-Article 267; Legislative process-role of the institutions, Relationship between EU Law and national law-Supremacy and Direct Effect; and the Development of Human rights.

**Syllabus:**

The module covers, in the first instance, the history of the European Communities and the various Treaty amendments up to the Treaty of Lisbon and the subsequent Stability Treaty. The module proceeds to consider the role, function and legislation powers of the Commission, Parliament and Council. The module will also examine the European Council, the Court of Auditors and the European Central Bank. The Court system and the types of actions heard by the Court of Justice, the General Court and the Civil Service Tribunal will also be covered. The new legislative procedures, the ordinary legislative procedure and the special legislative procedure as introduced by Lisbon will be examined. The development of human rights and the principles of direct effect and supremacy will be considered.

**Learning Outcomes:**

*Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)*

-Comprehend recent and key changes introduced by the Treaty of Lisbon that affect the way in which the European Institutions carry out their respective functions

-Appreciate the historical context which led to the establishment of the European Communities in the 1950s and the emergence of the European Union in 1992

-Identify the distinctive contribution of each of the European treaties since 1958 to the current European treaties and the establishment of the European Communities and Union Compare

-Contrast key principles of public international law and the unique European legal order

-Explain the contributions of each of the institutional players involved in the inter-institutional balance reflected in policy development and the legislative process

- Appraise the contribution of the judicial architecture (in particular the Court of Justice) to the development of the unique European legal order

- Understand the complex relationship between the different European Institutions

**Prime Texts:**

Fairhurst, J. (2016) *Law of the European Union* (11th ed.), Essex: Pearson

Carolan, B. (2009) *EU Law for Students in Ireland* (2nd ed), Dublin: Gill and MacMillan

Chalmers, D., Monti, G. and Tomkins, A. (2010) *European Union Law* (2nd ed.), Cambridge: Cambridge University Press

Craig, P. and De Búrca, G. (2015) *EU Law Text, Cases, and Materials*. (6th ed.), Oxford: Oxford University Press

Kaczorowska-Ireland, A. (2016) *European Union Law* (4th ed.)Abingdon: RoutledgeBarnard, C, Peers, S (2014) (editors) *European Union law*. Oxford: Oxford University Press

Berry, E., et al. (2013) *Complete EU law: text, cases, and materials*. Oxford: OUP

Steiner, J. and Woods, L. (2014) *Steiner & Woods EU Law* (12th ed.), Oxford: Oxford University Press

Foster, N. (2014) *Foster on EU Law* (4th ed.), Oxford: Oxford University Press

**Other Relevant Texts:**

Dashwood, A.; Wyatt, D. (2011) *Wyatt and Dashwood's European Union Law* (6th ed.,), Oxford: Hart

Schmidt, Susanne K; Kelemen, R. Daniel. (2013) *The power of the European Court of Justice*, London: Routledge

Craig, P. (2013) *The Lisbon Treaty: law, politics, and treaty reform*, Oxford: Oxford University Press

Weatherill, S. (2014) *Cases and Materials on EU Law* (11th ed.), Oxford: Oxford University Press

**Programme(s) In Which This Module Is Offered:**

LM029 Law Plus

LM020 Law and Accounting

Graduate Entry LLB

LM032 Arts-Joint Honours

LM040 European Studies

LM041 Politics and Public Administration

LM043 International Insurance and European Studies

**Academic instruments:**

Spring: 85% written exam, 2 x 5% Sulis MCQs and 5% tutorial attendance.

Repeat format: Where student has completed the in-term assessments, the repeat exam will be an 85% written examination. Where the student has not completed the in-term assessments, the exam will be 100%.

**Module Leader:**

Laura.Donnellan@staffmail.ul.ie

**Module: LA4034 - JURISPRUDENCE**

*Lecture:*2 *Tutorial: 1*

*Credits:* 6

**Rationale and Purpose of the Module:**

To acquire a variety of theoretical perspectives on law through an examination of its nature and operation and an analysis of key concepts and issues.

 **Syllabus:**

Natural Law; Legal Positivism; Legal Formalism; Legal Realism; Marxist Jurisprudence; Critical Legal Studies; Gender and the Law; Economic Analysis of Law; Historical and anthropological theories; Sociological Jurisprudence; Law and Rights; Postmodernist Jurisprudence

**Learning Outcomes:**

Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)

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

Identify the major historical schools of jurisprudence from the Greeks to the nineteenth century.

Describe the various historical theories of natural law and legal positivism.

Assess the relevance of jurisprudence to modern law, especially to legislation and adjudication.

Evaluate the major schools of jurisprudence

Critique legal positivism and natural law in light of the major contemporary theories of jurisprudence.

**Prime Texts:**

1. JM Kelly, *A short history of Western legal theory* (1992)
2. A Second Text (varies)

**Programme(s) in which this Module is Offered:**

Spring Semester

**Semester - Year to be First Offered:**

Spring - 09/10

**Assessment Instruments**

Assessment: 100% essay(s)

Repeat Assessment: 100% essay(s)

**Module Leader:**

Eoin.Quill@staffmail.ul.ie

**Module Code: LA4035 - LABOUR LAW**

**Hours Per Week:**

*Lecture:*2 *Tutorial: 1*

*Credits:* 6

**Rationale and Purpose of the Module:**

To familiarise the student with the legal regulation of employment relationships, industrial relations and remedies thereto.

**Syllabus:**

The History, Sources and Institutions of Labour Law

Defining Employee Status

Equality/ Discrimination

Health Safety & Welfare at Work

Bullying & Sexual Harassment

Termination of Employment

Trade Union Membership

**Learning Outcomes:**

Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)

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

Identify the legal relationships existing between the different classes of employees and employers, collective labour law, freedom of association and the law relation to trade disputes, the transfer of undertakings and industrial relations law.

Specify the principles governing a range of legal issues, including equality law, unfair dismissal, bullying, harassment, sexual harassment, health and safety in the workplace, the nature and terms of the employment contract, the impact of European labour provisions, and the institutional regulation of labour law in Ireland.

Discuss the policy issues arising in different areas of labour law, and evaluate the existing law in the light of policy considerations.

Differentiate the legal relationship existing between employers and trade unions, and the legal relationship existing between trade unions and their members.

Distinguish between the different types of worker, in particular employees and independent contractors, full-time and part-time workers, and compare the rights and status of each.

Critique the legal remedies available to employers and employees in different situations.

**How the Module will be Taught and what will be the Learning Experiences of the Students:**

The module will be taught through a series of lectures, tutorials and Moot Court exercises. Material is presented by the module leader which will be discussed in class in an interactive manner. Students will also be expected to conduct their own private research to further their knowledge of the relevant issues. An integral part of the module is that students are required to represent a party in a moot court case, which is heard in the UL Law School replica courtroom.

**Prime Texts:**

Regan (ed), Employment Law, (Tottel, Hayward’s Heath, 2009)

Daly and Doherty, Principles of Irish Employment Law, (Clarus Press, Dublin, 2010)

Cox, Corbett & Ryan, Employment Law in Ireland, (Clarus Press, Dublin, 2009)

Forde and Byrne, Employment Law, (Round Hall Press, Dublin, 2009)

Other Texts:

Lexis, Justis, Westlaw.ie, etc

Employment Law – Law Society of Ireland Manuals

Employment Law Reports (ELR)

Irish Employment Law Journal

**Semester - Year to be First Offered:**

Autumn - 09/10

**Academic Instruments:**

The assessment will be an in-term essay (approximately 2,000 words) worth 40% based on the arguments presented in the Moot exercise and an end of semester, closed book, examination that will consist of five questions where students will be required to answer two within 1.5 hours. All questions will carry equal marks

Repeat Assessment:

For students that are unsuccessful in the semester assessments the annual repeat examination will be a two hour exam where students are required to answer 3 questions from a selection of five. The questions are a mixture of problems and essays and all questions carry equal marks.

**Module Leader:**

Angela.Liddy@ul.ie

Angelaliddy113@gmail.com

**Module LA4044 - LAW OF THE EUROPEAN UNION 2**

**Hours Per Week**

*Lecture:*2 *Tutorial: 1*

*Credits:* 6

**Rationale And Purpose Of The Module:**

This module will review and identify major developments in the substantive law of the European Union, its interpretation and development, with special reference to the foundations and common rules and policies of the Common Market and the realisation of an internal market. The policies dealt with will include i.e. the free movement of goods, persons, services, capital and payments, competition (Articles 101 and 102) and social policy (equal pay and equal treatment).

**Syllabus:**

The module covers, in the first instance, background to the single market/common market. The module proceeds to examine in detail the Four Freedoms: free movement of goods, the free movement of persons (including workers, families/dependents, students, retired citizens, the freedom of establishment and the provision of services. Competition Law, including restrictive agreements and abuse of a dominant position will be examined. Social policy, (Equal pay and treatment, same sex couples, transsexuals etc.) will be covered.

**Learning Outcomes:**

Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)

-Demonstrate an understanding of the principles applicable to the operation of the four freedoms which go to make up the internal market (goods, persons, services and capital plus payments) e.g. definitions, rights, exceptions evaluate the change in focus from the economic actor to citizenship in relation to freedom of movement

-Analyse the application of articles 101 and 102 Treaty on the Functioning of the European Union (Competition policy) and related cases of the Court of Justice/General Court/Commission/National Competition Authorities -

-Evaluate the contribution of the European Union to regulation in the workplace in relation to individual and collective labour law (selected) and health and safety (selected) appreciate the extension of, and inter-linked principles of, anti-discrimination treaty and secondary legislation provisions, from the initial gender only focus to non-gender groups

***Prime Texts:***

Fairhurst, J. (2016) *Law of the European Union* (11th ed.), Essex: Pearson

Carolan, B. (2009) *EU Law for Students in Ireland* (2nd ed), Dublin: Gill and MacMillan

Chalmers, D., Monti, G. and Tomkins, A. (2010) *European Union Law* (2nd ed.), Cambridge: Cambridge University Press

Craig, P. and De Búrca, G. (2015) *EU Law Text, Cases, and Materials*. (6th ed.), Oxford: Oxford University Press

Kaczorowska-Ireland, A. (2016) *European Union Law* (4th ed.)Abingdon: Routledge

Barnard, C, Peers, S (2014) (editors) *European Union law*, Oxford: Oxford University Press

Berry, E., et al. (2013) *Complete EU law: text, cases, and materials*, Oxford: OUP

Steiner, J. and Woods, L. (2014) *Steiner & Woods EU Law* (12th ed.), Oxford: Oxford University Press

Foster, N. (2014) *Foster on EU Law* (4th ed.), Oxford: Oxford University Press

***Other Relevant Texts:***

Barnard, C. (2013) *The Substantive Law of the European Union* (4th ed.), Oxford: Oxford University Press

Barnard, C. (2012) *EU Employment Law* (4th ed.), Oxford: Oxford University Press

Jones, A., Sufrin, B.E. (2014) *EU competition law: text, cases, and materials* (5th ed.), Oxford: Oxford University Press

Oliver, P. (2010) *Oliver on free movement of goods in the European Union* (5th ed.), Oxford: Hart

***Programme(s) In Which This Module Is Offered:***

LM029 Law Plus

LM020 Law and Accounting

Graduate Entry LLB

LM040 European Studies

LM041 Politics and Public Administration

**Academic instruments:**

Spring: 85% written exam, 2 x 5% Sulis MCQs and 5% tutorial attendance.

Repeat format: Where student has completed the in-term assessments, the repeat exam will be an 85% written examination. Where the student has not completed the in-term assessments, the exam will be 100%.

**Module Leader:**

Laura.Donnellan@staffmail.ul.ie

**Module: LA4052 - INTRODUCTION TO LAWYERING 2**

**Hours Per Week:**

*Lab:* 3

*Credits:* 6

**Rationale And Purpose Of The Module:**

The aim of this module is to provide a detailed understanding of the operation and practice of the legal system in Ireland, paying particular attention to the necessary skills inherent in the process of law at all levels. It forms part of a sequential number of modules within which this aim is achieved.

**Syllabus:**

The objective of this module is to ensure that upon successful completion, students have begun to deal with core issues in the practice of law including logical reasoning, questioning, option generation, problem solving, oral argument and advocacy, together with client interviewing. The syllabus will focus extensively on self-directed learning and active exercises. In addition, students will be expected to explore the role of ethics and professional responsibility in the legal system, paying particular attention to comparative approaches.

**Learning Outcomes:**

*Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)*

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

- Identify the core areas in legal practice such as logical reasoning, problem solving and option generations

- Specify the key role of lawyers within the wider community and the underlying responsibility of legal practice.

- Outline the process for effective client interviewing.

- Differentiate the approaches to lawyering in different jurisdictions, in particular the distinction between common and civil law jurisdictions

- Distinguish the role of advocacy in legal argument from advocacy for public or sectional interest.

**Prime Texts:**

**Other Relevant Texts:**

**Semester - Year To Be First Offered:**

Spring - 09/10

**Module Leader:**

Lydia.Bracken@ul.ie

**Module Code: LA4068 - CRIME AND CRIMINAL JUSTICE**

**Hours per Week:**

Lecture: 2

Tutorial: 1

Credits: 6

**Rationale and Purpose of the Module:**

This module aims to critically evaluate the institutions and operation of the criminal Irish justice system in comparative perspective. The module aims to introduce students to the main approaches and theories in the field of crime and criminal justice studies, and the mechanisms by which the criminal justice system responds to the incidence of crime. The module also examines the influence of the media influence on public attitudes towards crime, criminal justice processes and sentencing, criminal justice policy making, reform and anti-crime initiatives.

**Syllabus:**

Historical development of the criminal justice system. Models of criminal justice: due process versus crime control. Criminal justice values and policies. Human rights and the criminal justice system. The making of criminal justice policy: the Department of Justice, Equality and Law Reform; the National Crime Council; the Law Reform Commission; the role of Non-governmental Bodies. The influence of European institutions on the Irish criminal justice process. Influence of the media on the criminal justice process and policy implementation. Diversion from the criminal justice system including Garda cautions and prosecutorial discretion. Alternative processes in the criminal justice system: restorative justice; the Drugs Court. The juvenile justice system. Penal policy and rationales for sentencing. Sentence management and the treatment of offenders; conditions of imprisonment; scrutiny of the prison system including judicial review and visiting committees; the Inspector of Prisons and Place of Detention. The adoption of civil mechanisms in the criminal justice system: seizure of criminal assets and other proceeds of crime; anti-social behaviour orders.

**Learning Outcomes:**

*Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)*

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

* Apply theoretical perspectives and concepts of crime and criminal justice to concrete examples.
* Make reasoned judgements and demonstrate a capacity for independent thinking.
* Demonstrate an ability to synthesise information provided during teaching, and through students own study and research activities.
* Comprehend recent and key changes in the criminal justice system that affect the way in which criminal justice agencies carry out their respective functions.
* Understand the complex relationship between the different agencies in the criminal justice system.
* Analyse the different theoretical perspectives to crime and criminal justice. Analyse the power of media representations of crime and criminal justice.
* Demonstrate a sufficient knowledge of research methods used to assess public understanding of the problem of crime.
* Demonstrate awareness of recent and current crime trends as recorded officially by government agencies.
* Gather, retrieve and synthesise information from a number of different sources in order to understand the complexities of the relationship between crime and the response of the criminal justice system.
* Access and utilise a variety of research resources on different aspects of the relationship between the different agencies in the criminal justice system.
* Analyse critically the medias role in representing crime and criminal justice. - -
* Demonstrate knowledge pertaining to the key agents in the criminal justice system.
* Demonstrate an understanding of the key models used to account for the criminal justice system.
* Demonstrate the ability for accurate reading and clear written communication.

*Affective (Attitudes and Values)*

Show self-reliance and the ability to manage time and work to deadlines. Show confidence in the presentation of arguments and ideas (in both seminar sessions and assessed work) as they pertain to the criminal justice system.

**Prime Texts:**

Conway, Daly and Schweppe, *The Irish Criminal Justice System: Theory, Process and Procedure* (Clarus Press, 2010)

O’Mahony, *Criminal Justice in Ireland* (Institute of Public Administration, 2002)

**Other Relevant Texts:**

Ashe and Reid, *Money Laundering* (Round Hall, 2000)

Bacik and O’Connell, *Crime and Poverty in Ireland* (Round Hall, 1998)

Brewer, Lockhart and Rodgers, *Crime in Ireland 1945-95* (Clarendon Press, 1997)

Conway, Daly and Schweppe, *The Irish Criminal Justice System: Theory, Process and Procedure* (Clarus Press, 2010)

Fennell, *Crime and Crisis in Ireland: Justice by Illusion?* (Cork University Press, 1993)

Kilcommins, O’Donnell, O’Sullivan and Vaughan, *Crime, Punishment and the Search for Order in Ireland* (Institute of Public Administration, 2005).

Kilkelly, *Youth Justice in Ireland: Tough Lives, Rough Justice* (Irish Academic Press, 2006)

McCullagh, *Crime in Ireland: A Sociological Introduction* (Cork University Press, 1996)

McDermott, *Prison Law* (Round Hall, 2000)

Murphy, *Rethinking the War on Drugs in Ireland* (Cork University Press, 1996)

O’Donnell, O’Sullivan and Healy (eds.), *Crime and Punishment in Ireland 1922 to 2003: A Statistical Sourcebook* (Institute of Public Administration, 2006)

O’Donnell and O’Sullivan, *Crime Control in Ireland: The Politics of Intolerance* (Cork University Press, 2001)

O’Donnell and McAuley (eds.), *Criminal Justice History: Themes and Controversies from Pre-independence Ireland* (Four Courts Press, Dublin, 2003)

O’Mahony, *Criminal Justice in Ireland* (Institute of Public Administration, 2002)

O’Mahony, *Crime and Punishment in Ireland* (Round Hall, 1993)

O’Mahony, *Criminal Chaos: Seven Crises in Irish Criminal Justice* (Round Hall, 1996)

O’Mahony, *Prison Policy in Ireland: Criminal Justice versus Social Justice* (Cork University Press, 2000)

O’Malley, *Sentencing: Towards a Coherent System* (Round Hall, 2011).

O’Malley, *Sentencing Law and Practice* (2nd ed., Round Hall, 2006)

O’Malley, *The Criminal Process* (Round Hall, 2010)

Rogan, *Prison Policy in Ireland: Politics, Penal-Welfarism and Political Imprisonment* (Routledge, 2011)

Seymour, *Youth Justice in Context: Community, Compliance and Young People* (Routledge, 2014)

Walsh and McCutcheon (eds.), *Confiscation of Criminal Assets* (Round Hall, 2000)

**Academic Instruments:**

The module will be assessed by means of an end of semester unseen written examination paper lasting two and a half hours and requiring students to answer three questions. This will constitute 100% of marks awarded for the modules assessment. The examination paper will be divided into two parts, Part A, and Part B. **Part A**, question 1 is a compulsory multiple choice question (students will be required to answer 20 short MCQ directly related to materials covered in lectures/seminars and tutorials during the semester): *negative marking will* ***not*** *apply*. In **Part B**, students will be required to answer any two questions from a choice of five questions. Students are reminded to read and answer the questions that are asked of them. The format of this repeat paper is the same.

**Module Leader:**

ger.coffey@ul.ie

**Module Code: LA4082 - LAW OF EVIDENCE**

**Hours Per Week:**

*Lecture:*2 *Tutorial: 1*

*Credits:* 6

**Rationale And Purpose Of The Module:**

To critically examine the rules and general principles governing the admissibility of evidence in criminal trials.

**Syllabus:**

Principles of criminal evidence; burdens and standards of proof; witness testimony; confession evidence and illegally obtained evidence; expert evidence; corroboration; rule against hearsay; identification evidence; similar fact evidence; privilege.

**Learning Outcomes:**

*Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)*

On successful completion of this module, a student will be able to: Differentiate between key concepts in the Law of Evidence: facts at issue; relevant facts; admissibility of evidence and weight of evidence; hearsay and original evidence; Describe the principles relating to the burden of proof, the standard of proof and reversal of burdens of proof; Explain the law and principles relating to witness testimony, challenging the credibility of the witness and corroboration rules. Outline the Rule Against Hearsay and the reforms to aspects of the Rule; Analyse the exclusionary rules relating to illegally obtained and unconstitutionally obtained evidence; Appraise the law relating to the testimony of the accused in a criminal trial: similar fact evidence; bad character evidence; right to silence; confession evidence; Apply the rules and principles to scenarios so as to demonstrate the possibilities for conviction or acquittal.

**How The Module Will Be Taught and What Will Be The Learning Experiences Of The Students:**

The module will be taught through lectures;

**Prime Texts:**

Heffernan L & Ni Raifeartaigh U, *Evidence in Criminal Trials* (Bloomsbury 2013)

Fennell C, *The Law of Evidence in Ireland* 3rd edn (Haywards Heath 2008)

McGrath D, *Evidence (*Thompson Round Hall 2005)

Healy J, *Irish Laws of Evidence (*Thompson Round Hall 2004)

**Other Relevant Texts:**

Roberts P, Zuckerman A, *Criminal Evidence* (Oxford University Press 2004)

Spencer J, *Hearsay Evidence in Criminal Proceedings* (Hart 2008)

Spencer J, *Evidence of Bad Character* (2nd edn) (Hart 2009)

**Semester - Year To Be First Offered:**

Spring - 2012/13

**Academic instruments:**

100% end of semester exam

**Module Leader:**

Shane.Kilcommins@ul.ie

**Module: LA4098 Sport and the Law (Evening LLB)**

**Hours Per Week:**

Lecture: 2; Tutorial 1

Credits: 6

**Rationale And Purpose Of The Module:**

The aim of this module is to examine the law relating to the governance and regulation of sport.

**Syllabus:**

Sport and the Law will examine the interaction between the law and sport. The course will begin with discussion on what constitutes sport and have we evolved to a stage where we can say that there is a branch of law that specifically pertains to sport? The module will then examine the role of the law in dealing with participator violence (both criminal and civil) on the field of play. The legality of boxing will be discussed, beginning with a historical discussion on the development of bare-knuckle fighting to modern day boxing. The constitutional issues surrounding drug and technological doping will be examined. A brief background to general contract law will be given, employment issues, such as restraint of trade will be discussed. The course will end with an examination of the various methods of alternative dispute resolution that are available to sporting persons, including the Court of Arbitration for Sport (CAS).

**Learning Outcomes:**

Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)

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

- Identify the key elements of criminal, tort, employment, constitutional and contract law and their application to sport

-Summarise the historical regulation of sport

-Distinguish the application of legal principles in a sports context from their application in other settings

-Critique the effectiveness of the law in regulating sports

-Examine and evaluate the various methods of alternative dispute resolution that are available to sportspersons

-Examine and evaluate the role of the Irish government in sports governance in Ireland

**Prime Texts:**

Donnellan and Leahy, *Sports Law in Ireland* (Kluwer, 2014)

Donnellan and Leahy, *Sports Law in Ireland* (2nd) (Kluwer, 2016)

Donnellan, L., *Sport and the Law: A Concise Guide* (Dublin: Blackhall Publishing, 2010)

Anderson, J., Modern Sports Law (London: Hart, 2010)

Gardiner, S. et al *Sports Law* (4th ed., London: Cavendish, 2012)

Cox, N., Schuster, A., *Sport and the Law* (Dublin: Firstlaw, 2004)

**Other Relevant Texts:**

Barnes, J. *Sports and the law in Canada* (3rd ed., Toronto: Butterworths, 1996)

Beloff, M. *Sports law* (Oxford: Hart, 1999)

Lewis, A., Taylor, J. *Sport: Law and Practice* (2nd ed.) (London, Tottel Publishing, 2008)

Fewell, M. *Sports Law: A Practical Guide* (Sydney: LBC Information Services 1995)

Grayson, E. *Sport and the law* (London: Butterworths, 2000)

Greenfield, S. and Osborn, G. (eds.) *Law and sport in contemporary society* (London: F. Cass., 2001)

Griffith-Jones, D. *Law and the business of sport* (London: Butterworths, 1997)

Hartley, H. *Sport, Physical Recreation and the Law* (London: Routledge, 2009)-eBook available:

Lewis, A. and Taylor, J. *Sport: Law and Practice* (London: Butterworths, 2003)

O’Leary, J. *Drugs in sports: socio-legal perspectives* (London: Cavendish, 2001)

Verow, R., Lawren, C., *Sports business: law, practice and precedents* (2nd ed.) (Bristol: Jordans, 2005)

Weiler, P. and Roberts, G. *Sports and the law: text, cases, and problems* (2nd ed., St. Paul, Minn.: West Group, 1998)

Weiler, P. *Levelling the playing field: how the law can make sports better for fans* (London: Harvard University Press, 2000)

Yasser, R. *Sports law: cases and materials* (4th ed., Cincinnati: Anderson Publishing, 2000)

Thorpe, D., *et al*, *Sports Law* (Melbourne, Oxford University Press, 2008)

Healey, D., *Sport and the Law* (4th ed.) (Sydney, UNSW Press, 2009)

James, M., *Sports Law* (London: Palgrave MacMillan, 2010)

Blackshaw, I., *Sport, mediation and arbitration* (The Hague: T.M.C. Asser Press, 2009)

**Programme(s) In Which This Module Is Offered:**

LLB Evening

**Semester - Year To Be First Offered:**

Spring - 09/10

**Academic instruments:**

Spring: 70% written exam, 20% presentation, 2 x 5% Sulis MCQs.

Repeat format: Where student has completed the in-term assessments, the repeat exam will be a 70% written examination. Where the student has not completed the in-term assessments, the exam will be 100%.

**Module Leader:**

Laura.Donnellan@staffmail.ul.ie

**Module Code: LA4211 - CRIMINAL LAW 1**

**Hours Per Week:**

*Lecture: 2; Tutorial 1*

*Credits:* 6

**Rationale And Purpose Of The Module:**

To examine the general principles of criminal law through consideration of their ethical, social and legal dimensions.

**Syllabus:**

Historical and ethical consideration of criminal law, characteristics of a crime. Parties to a crime: principals and accessories, vicarious liability. The elements of a crime. Actus reus, conduct, omissions, status. Mens rea, intention, recklessness, criminal negligence. Mens rea in penal statutes. Offences of strict liability. General defences: insanity, infancy, automatism, intoxication, mistake, necessity, duress, self defence. Inchoate offences: attempt, incitement, conspiracy.

**Learning Outcomes:**

*Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)*

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

* Describe the two main elements of a crime: actus reus and mens rea;
* Discuss the principles of causation, voluntary act and coincidence of actus reus and mens rea;
* Differentiate between objective and subjective tests in determining criminal liability;
* Explain the criminal liability of participants to a crime;
* Recognise inchoate offences and associated jurisprudence;
* Apply the rules and principles to scenarios so as to demonstrate the criminal liability involved;
* Analyse proposed reforms to above aspects of criminal law.

*Affective (Attitudes and Values)*

Upon successful completion of this module, students will be able to:

1) Appreciate the criminal law as a medium through which questions of the expected standards of individual behaviour and the state-individual relationship are considered

2) Embraces questions of eth­ics, philosophy, psychology and social and political theory in the study of the criminal law.

**How The Module Will Be Taught and What Will Be The Learning Experiences Of The Students:**

This module will introduce students to challenges in the modern legal environment through lectures, tutorials and self-directed study. The syllabus and assessment mechanisms will reflect the most recent developments in the field and will reflect research in the area being conducted within the School of Law.

In introducing students to the ingredients of criminal liability and the defences available in Ireland and developing a critical understanding of the fundamental principles governing the general part of the criminal law, the module aims to develop UL graduate attributes. Students will become more knowledgeable about the criminal law through tailored lectures, tutorials and assessment mechanisms. Students will also become more articulate, proactive and collaborative. Students will be expected to engage in self-directed study on the issues raised in class to supplement their learning.

**Prime Texts:**

McIntyre, McMullan, Ó Toghda , *Criminal Law* ( Round Hall 2012).

Coffey, *Criminal Law* (Round Hall, 2010).

Campbell, Kilcommins, and O’Sullivan, *Criminal Law in Ireland: Cases and Commentary* (Clarus Press, 2009).

**Other Relevant Texts:**

Hanly, *An Introduction to Irish Criminal Law* (3rd., Gill and MacMillan, 2013)

McAuley and McCutcheon, *Criminal Liability* (Round Hall, 2000)

**Semester - Year To Be First Offered:**

Autumn - 09/10

**Module Leader:**

Angela.liddy@ul.ie

Angelaliddy113@gmail.com

**Academic Instruments:**

* The module will be assessed by means of an end of semester closed book written examination paper lasting two hours. Students will be required to answer three questions from a choice of five essay/problem type questions.
* Repeat assessment will be the same.

**Module: LA4330 - LAW OF TORTS 1 (B)**

**Hours Per Week:**

*Lecture:* 2

*Tutorial:* 1

*Private:* 7

*Credits:* 6

**Rationale and Purpose of the Module:**

To evaluate critically the role of the law of torts in society, to examine the basic elements of a tort with particular emphasis on negligence and the defences thereto.

**Syllabus:**

Nature and function of torts: origin and development. General torts: negligence, breach of statutory duty - elements of a tort (breach of duty, damage, causation, remoteness). Particular areas of liability: nervous shock, negligent misstatement, economic loss, product liability, employers' liability, occupiers' liability, liability for defective premises, liability of administrative agencies. General defences in tort. Parties: minors, the State, diplomats, corporate and unincorporated bodies, concurrent liability, vicarious liability.

**Learning Outcomes:**

*Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)*

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

Identify the key elements of the torts of negligence and breach of statutory duty (duty, breach, causation and remoteness of damage) and the general features of responsibility, such as vicarious liability, concurrent wrongdoers, responsibility of minors and the defences of contributory negligence and waiver.

Specify the requirements for establishing a duty of care at common law, the factors relevant to assessing a breach of such duty, the availability of civil action in respect of statutory duties and the tests for establishing vicarious liability, legal cause, remoteness of damage and the defences.

Outline the categories of claim, such as products liability, occupiers’ liability, professional negligence, defective buildings, negligent misstatement and the effect of certain participants in the process, such as minors, the State, corporations and associations.

Differentiate the different types of harm that tort law will compensate, from those that it will not (via the duty mechanism and remoteness principles) and differentiate obligation from liability through the roles played by the various elements of a cause of action. Distinguish theories of corrective and distributive justice in the analysis of tort doctrines and distinguish primary from secondary liability.

Critique the role of policy in areas such as duty of care, legal cause, vicarious liability and non-delegable duties, as well as the effectiveness of tort in addressing its aims via corrective or distributive justice and the role of liability insurance in the process.

**Prime Texts:**

Quill, Torts in Ireland. 4th ed. (Dublin: Gill & Macmillan, 2014)

or

McMahon & Binchy, The Irish Law of Torts. 4th ed. (Dublin: Bloomsbury, 2013)

**Other Relevant Texts:**

Tully, Tort Law in Ireland (Dublin: Clarus, 2014)

**Semester - Year to be First Offered:**

Autumn - 09/10

**Academic Instruments:**

100% End of Semester Exam or 100% Term Essay(s) – at the Student’s election

Repeat Assessment: 100% Exam or 100% Term Essay(s) – based on the Student’s in-term election

**Module Leader:**

Eoin.Quill@staffmail.ul.ie

**Module Code: LA4530 – COMPANY LAW 1**

**(also LA4290 – Company Law 1 – Evening)**

**Hours Per Week**

*Lecture:*2 *Tutorial: 1*

*Credits:* 6

Private: 7

**Rationale and Purpose of the Module:**

To familiarise the student with the law governing companies incorporated in Ireland.

**Syllabus:**

1. Forms of business association
2. Methods and consequences of incorporation
3. Corporate criminal liability
4. Disregarding separate legal personality
	1. Legislative exceptions
	2. Judicial exceptions
5. Shareholders rights and remedies
6. Corporate contracts
7. Share capital
8. Initial investors in Public companies

**Learning Outcomes:**

*Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)*

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

Identify the advantages and disadvantages of incorporating a business, Specify the requirements for incorporation, Outline the contents of the constitutional documents of a company, Critique the limits on the rights of shareholders, Critique the remedies and recourses available to oppressed shareholders, Identify the circumstances in which the law will ignore the separate legal personality of the company, Differentiate the various grounds for attribution of mens rea to a company, Outline the requirements which apply to the offer of shares to the public, Identify the circumstances in which the law will deem a contract to be unenforceable, Explain the company law provisions on Share capital and maintenance

**How the Module will be Taught and what will be the Learning Experiences of the Students:**

The module will be taught through a series of lectures and tutorials. Students will be presented with some material which will be discussed in class in an interactive manner. Students will also be expected to conduct their own private research to further their knowledge of the relevant issues.

**Prime Texts:**

 *(Additional reading on specific topics will be recommended during the lectures)*

Courtney The Law of Private Companies (3rd edition Bloomsbury Professional)

Callanan An Introduction to Irish company Law 4th ed Callanan , Gill & McMillan

Courtney Bloomsbury Professional’s guide to the Companies Act 2014

Forde and Kennedy Company Law, 4th edition, Thomson Round Hall 2007

Keane Company Law in the Republic of Ireland (4th edition Tottel Publishing)

**Semester - Year to be First Offered:**

Summer - 09/10

**Academic Instruments:**

The assessment will be an end of term, closed book, examination that will consist of four questions where students will be required to answer two within a period of 2 hours. The questions will comprise of a mixture of essays and problems and all questions will carry equal marks

Repeat Assessment:

For students who are unsuccessful in the semester assessments the annual repeat examination will be a two hour exam where students are required to answer 2 questions from a selection of four. The questions are a mixture of problems and essays and all questions carry equal marks.

**Module Leader:**

Sinead.eaton@ul.ie

**Module Code: LA4540 – COMPANY LAW 2**

**(also LA4912 – Company Law 2 – Evening)**

**Hours Per Week**

*Lecture:*2 *Tutorial: 1*

*Credits:* 6

Private: 7

**Prerequisite Modules:**

LA4530 Company Law 1

**Rationale and Purpose of the Module:**

To familiarise the student with the law governing companies incorporated in Ireland.

**Syllabus:**

1. Directors
2. Company Secretary and the Annual Return
3. Enforcement of Company law
4. Dividends and Distributions
5. Company borrowing and security
6. Receivers
7. Examinership
8. Liquidations and winding up

**Learning Outcomes:**

*Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)*

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

Identify the common law and statutory duties of company directors, Critique the remedies available to injured parties in the event of breach of those duties, Identify the duties and powers of a company secretary, Outline the typical contractual position of a company which has entered into a loan and security agreement, Distinguish the respective rights of the company, it’s controllers and any receiver appointed to enforce that security, Critique the limits placed by law on the payment by companies of dividends to shareholders, Outline the enforcement mechanisms available to various state agencies to ensure the enforcement of company law, Critique the statutory basis for the protection and reorganisation of companies under the 1990 Act, Identify the forms of company liquidation, Outline the powers, role and duties of the various types of liquidator, Critique the statutory order of priority for payment of creditors under corporate insolvency laws.

**How the Module will be Taught and what will be the Learning Experiences of the Students:**

The module will be taught through a series of lectures and tutorials. Students will be presented with some material which will be discussed in class in an interactive manner. Students will also be expected to conduct their own private research to further their knowledge of the relevant issues.

**Prime Texts:**

 *(Additional reading on specific topics will be recommended during the lectures)*

*(Additional reading on specific topics will be recommended during the lectures)*

Courtney The Law of Private Companies (3rd edition Bloomsbury Professional)

Callanan An Introduction to Irish company Law 4th ed Callanan , Gill & McMillan

Courtney Bloomsbury Professional’s guide to the Companies Act 2014

Keane Company Law in the Republic of Ireland (4th edition Tottel Publishing)

**Semester - Year to be First Offered:**

Spring - 09/10

**Academic Instruments:**

The assessment will be a mid-term essay accounting for 20% of marks and a closed book examination that will consist of four questions where students will be required to answer two within a period of 2 hours. The questions will comprise of a mixture of essays and problems and all questions will carry equal marks. Repeat Assessment:

For students who are unsuccessful in the semester assessments the annual repeat examination will be a two hour exam where students are required to answer 2 questions from a selection of four. The questions are a mixture of problems and essays and all questions carry equal marks.

**Module Leader:**

Sinead.eaton@ul.ie

**Module: LA4901 - PRINCIPLES OF LAW**

**Hours Per Week:**

*Lecture:* 2 *; Tutorial:*1

*Credits:* 6

**Rationale And Purpose Of The Module:**

Principles of Law is an introduction to law for non-law students.

**Syllabus:**

The module provides the student with a basic knowledge of the Irish legal system, including: the Irish Constitution, the legal profession in Ireland, sources of Irish law, European Union law, Criminal law and Tort law.

**Learning Outcomes:**

*Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)*

1. On successful completion of this module, a student will be able to:
2. Recount fundamental concepts of the Irish legal system;
3. Explain the Irish Court structure, and the personnel involved;
4. Differentiate between the sources of law which operate within a common law jurisdiction and summarise the methods of interpretation;
5. Outline core principles relating to four primary areas of Irish law, namely constitutional, criminal, tort and European Law;
6. Locate and interpret the relevant case law in the area; Evaluate the accessibility of the Irish legal system.

**Research Findings Incorporated In To The Syllabus (If Relevant):**

**Prime Texts:**

1. A Kenneally and J Tully, *The Irish Legal System* (Clarus Press, Dublin 2013)
2. The most recent edition of the Irish Constitution (*Bunreacht na hÉireann*)

**Semester - Year To Be First Offered:**

Autumn - 09/10

**Academic Instruments**

Tutorials make up 25% of the final grade; a Final Examination makes up the remaining 75%. For Repeats, the Examination makes up 100% of the final grade.

**Module Leader:**

**Angela.liddy@ul.ie**

**Angelaliddy113@gmail.com**

**Module: LA4922 Sport and the Law**

**Hours Per Week:**

Lecture: 2; Tutorial 1

Credits: 6

**Rationale And Purpose Of The Module:**

The aim of this module is to examine the law relating to the governance and regulation of sport.

**Syllabus:**

Sport and the Law will examine the interaction between the law and sport. The course will begin with discussion on what constitutes sport and have we evolved to a stage where we can say that there is a branch of law that specifically pertains to sport? The module will then examine the role of the law in dealing with participator violence (both criminal and civil) on the field of play. The legality of boxing will be discussed, beginning with a historical discussion on the development of bare-knuckle fighting to modern day boxing. The constitutional issues surrounding drug and technological doping will be examined. A brief background to general contract law will be given, employment issues, such as restraint of trade will be discussed. The course will end with an examination of the various methods of alternative dispute resolution that are available to sporting persons, including the Court of Arbitration for Sport (CAS).

**Learning Outcomes:**

Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)

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

- Identify the key elements of criminal, tort, employment, constitutional and contract law and their application to sport

-Summarise the historical regulation of sport

-Distinguish the application of legal principles in a sports context from their application in other settings

-Critique the effectiveness of the law in regulating sports

-Examine and evaluate the various methods of alternative dispute resolution that are available to sportspersons

-Examine and evaluate the role of the Irish government in sports governance in Ireland

**Prime Texts:**

Donnellan and Leahy, *Sports Law in Ireland* (Kluwer, 2014)

Donnellan and Leahy, *Sports Law in Ireland* (2nd) (Kluwer, 2016)

Donnellan, L., *Sport and the Law: A Concise Guide* (Dublin: Blackhall Publishing, 2010)

Anderson, J., Modern Sports Law (London: Hart, 2010)

Gardiner, S. et al *Sports Law* (4th ed., London: Cavendish, 2012)

Cox, N., Schuster, A., *Sport and the Law* (Dublin: Firstlaw, 2004)

**Other Relevant Texts:**

Barnes, J. *Sports and the law in Canada* (3rd ed., Toronto: Butterworths, 1996)

Beloff, M. *Sports law* (Oxford: Hart, 1999)

Lewis, A., Taylor, J., *Sport: Law and Practice* (2nd ed.) (London, Tottel Publishing, 2008)

Fewell, M. *Sports Law: A Practical Guide* (Sydney: LBC Information Services 1995)

Grayson, E. *Sport and the law* (London: Butterworths, 2000)

Greenfield, S. and Osborn, G. (eds.) *Law and sport in contemporary society* (London: F. Cass., 2001)

Griffith-Jones, D. *Law and the business of sport* (London: Butterworths, 1997)

Hartley, H. *Sport, Physical Recreation and the Law* (London: Routledge, 2009)-eBook available:

Lewis, A. and Taylor, J. *Sport: Law and Practice* (London: Butterworths, 2003)

O’Leary, J. *Drugs in sports: socio-legal perspectives* (London: Cavendish, 2001)

Verow, R., Lawren, C., *Sports business: law, practice and precedents* (2nd ed.) (Bristol: Jordans, 2005)

Weiler, P. and Roberts, G. *Sports and the law: text, cases, and problems* (2nd ed., St. Paul, Minn.: West Group, 1998)

Weiler, P. *Levelling the playing field: how the law can make sports better for fans* (London: Harvard University Press, 2000)

Yasser, R. *Sports law: cases and materials* (4th ed., Cincinnati: Anderson Publishing, 2000)

Thorpe, D., *et al*, *Sports Law* (Melbourne, Oxford University Press, 2008)

Healey, D., *Sport and the Law* (4th ed.) (Sydney, UNSW Press, 2009)

James, M., *Sports Law* (London: Palgrave MacMillan, 2010)

Blackshaw, I., *Sport, mediation and arbitration* (The Hague: T.M.C. Asser Press, 2009)

**Programme(s) In Which This Module Is Offered:**

LM029 Law Plus Graduate Entry LLB

LM089 Bachelor of Science in Sport and Exercise Sciences

**Semester - Year To Be First Offered:**

Spring - 09/10

**Academic instruments:**

Spring: 70% written exam, 20% presentation, 2 x 5% Sulis MCQs.

Repeat format: Where student has completed the in-term assessments, the repeat exam will be a 70% written examination. Where the student has not completed the in-term assessments, the exam will be 100%.

**Module Leader:**

Laura.Donnellan@staffmail.ul.ie

**Module: LA6032 – Global Competition Law**

**Hours Per Week:**

*Lecture: 2*

*Private: 13*

*Credits: 9*

**Rationale And Purpose Of The Module:**

This module provides students with an understanding of the role and diversity of competition laws which arise in the conduct of business. The module reviews the different approaches taken to different aspects of competition in various jurisdictions and illustrates the role of economics in competition law regimes. Students will critically examine the origins of competition laws and their current form in major jurisdictions such as the EU and the USA.

**Syllabus:**

The module will explore the origin and development of the moain tenets of competition law. Treaty provisions and Statutes will be the base for analysis and the interpretations of Courts and enforcement authorities will be reviewed. At the end of the course, students will be familiar with the articles and case law of the European and American courts and will have gained a comprehensive understanding of the practice and application of competition law.

**Learning Outcomes:**

*Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)*

On successful completion of this module, a student will be able to: Identify the key articles and case law of the European and American courts; Explain the interpretation, origins and application of the main tenets of competition law ; Differentiate between competition law regimes ; Appraise the impact of the incorporation of the European competition law into the domestic legal system;

**How The Module Will Be Taught and What Will Be The Learning Experiences Of The Students:**

The introductory classes will be presented through lectures by the course leader. Following these, the structure of the seminars will be as follows:

1. Cases will be presented by nominated students (the Presenters)
2. After all the presentations have been given, a discussion of the topic will follow in which those students nominated to read the cases (the Readers) will be expected to actively contribute; all students in the class should be familiar with one of the cases that has been presented***.***

**Prime Texts:**

1. “An Introductory Guide to EC Competition Law and Practice” by Valentine Korah, 2000, Hart Publishing, Ninth Edition
2. “EC Law, Text, Cases and Materials” by Craig and de Burca, Fifth Edition, Competition Law Chapters and Chapter called The Development of European Integration and the chapter called Completion of the Single Market.
3. The Role of Economic Analysis in the EC Competition Rules, Hildebrand, 3rd ed., Kluwer, 2009
4. “Reflection on Irish Competition Law 1991 – 2005” by Dr. Vincent Power (2004) 4 (1) HLJ 195
5. Competition Law and Practice , Dr. Vincent Power, Butterworths, 2001
6. “German Antitrust Law” by Heidenhain, Satzky and Stadler , Fifth Edition, 1999, Fritz Knapp Verlag
7. “International Antitrust Law and Policy” 1995 Corporate Law Institute by Fordham University School of Law. Chapters 1, 2, 3, 7, 8, and 14 as a minimum.
8. Article 82 EC : Reflections on its Recent Evolution, edited by Ariel Ezrachi , Hart Publishing
9. “International Antitrust Law and Policy” 1995 Corporate Law Institute by Fordham University School of Law. Chapters 1, 2, 3, 7, 8, and 14
10. “Competition Policy in America 1888 – 1992” by Rudolph J.R. Peritz, Oxford University Press. Read as a minimum Introduction, Chapters 1, 2 and 6
11. Vickers C*ompetition Law and Economics : A mid-Atlantic viewpoint*, European Competition Journal p. 1

**Other Relevant Texts:**

Further materials are recommended in lectures.

**Programme(s) In Which This Module Is Offered:**

MLICLATFAD – LLM International Commercial Law (Full time)

MLICLATPAD – LLM International Commercial Law (Part time)

MLLAGETFA-(General)

MLLAGETPA-(General) P/T

**Semester - Year To Be First Offered:**

Autumn – 15/16

**Academic instruments:**

40% Presentations; 60% Essay

**Module Leader:**

Sinead.Eaton@ul.ie

**Module: LA6111 - Criminal Justice Processes and Sentencing**

**Hours per Week:**

Lecture: 2

Private: 13

Credits: 9

**Rationale and Purpose of the Module:**

The aim of this module is to provide a detailed understanding of criminal justice processes and sentencing procedures and to encourage students to question the place of human rights within that system. By the end of the course students should be familiar with the various stages in the processes in Ireland, be aware of the strengths and weaknesses, see how human rights should fit into that system and have knowledge of comparative systems.

**Syllabus:**

This course will consider the various stages of the criminal justice process û from arrest, to trial, to sentence and the various disposal mechanisms. These will be analysed through a framework of human rights to identify the strengths and weakness of the different stages, and assess the compatibility of the Irish system with human rights obligations. What human rights are involved in the criminal justice system? How are the rights of the accused and of the victim balanced within the system? What challenges does the system face in an increasingly diverse Ireland? How can deficits in human rights standards be addressed? Other jurisdictions will be looked to as comparators in efforts to answer these questions.

**Learning Outcomes:**

*Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)*

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

* Outline key features of criminal justice processes in Ireland.
* Outline the international framework which governs human rights aspects to criminal justice processes.
* Appraise the relationship between the various stakeholders in fundamental rights discourse, that is accused, victim and state, and assess how these interests should be balanced.
* Assess the requirements imposed by 21st century Ireland on the criminal justice system.
* Compare and contrast the approaches taken in various legal systems to adapting human rights obligations in the domestic context.
* Critically evaluate the extent to which the experiences and responses of other jurisdictions, as well as international human rights principles should influence Irish law.

**Prime Texts:**

O’Malley, *Sentencing: Towards a Coherent System* (Round Hall, 2011).

O’Malley, *Sentencing Law and Practice* (3rd ed., Round Hall, 2016)

O’Malley, *The Criminal Process* (Round Hall, 2010)

**Other Relevant Texts:**

Brewer, Lockhart and Rodgers, *Crime in Ireland 1945-95* (Clarendon Press, 1997)

Conway, Daly and Schweppe, *The Irish Criminal Justice System: Theory, Process and Procedure* (Clarus Press, 2010)

Fennell, *Crime and Crisis in Ireland: Justice by Illusion?* (Cork University Press, 1993)

Final Report of the *Balance in the Criminal Law Review Group* (2007).

Final Report of the *Strategic Review of Penal Policy Group* (2014).

Kilcommins, O’Donnell, O’Sullivan and Vaughan, *Crime, Punishment and the Search for Order in Ireland* (Institute of Public Administration, 2005).

Law Reform Commission of Ireland, *Consultation Paper on Sentencing* (Dublin, 1993) - full text available at www.lawreform.ie

Law Reform Commission of Ireland, *Report on Sentencing* (LRC 53, Dublin, 1996) - full text available at www.lawreform.ie

Law Reform Commission of Ireland, *Consultation Paper on Penalties for Minor Offences* (LRC CP18-2002) - full text available at www.lawreform.ie

Law Reform Commission of Ireland, *Consultation Paper on Prosecution Appeals in Cases brought on Indictment* (LRC CP19-2002) - full text available at www.lawreform.ie

Law Reform Commission of Ireland, *Report on Penalties for Minor Offences* (LRC 69-2003)

Law Reform Commission of Ireland, *Consultation Paper on Prosecution Appeals form Unduly Lenient Sentences in the District Court* (LRC CP33-2004) - full text available at www.lawreform.ie

Law Reform Commission, *Report on Prosecution Appeals and Pre-Trial Hearings* (LRC 81-2006) - full text available at www.lawreform.ie

Law Reform Commission of Ireland, *Consultation Paper on Mandatory Sentences* (LRC CP 66-2011) - full text available at www.lawreform.ie

Law Reform Commission of Ireland, *Report on Mandatory Sentences* (LRC 108-2013) - full text available at www.lawreform.ie

McCullagh, *Crime in Ireland: A Sociological Introduction* (Cork University Press, 1996)

McDermott, *Prison Law* (Round Hall, 2000)

O’Donnell, O’Sullivan and Healy (eds.), *Crime and Punishment in Ireland 1922 to 2003: A Statistical Sourcebook* (Institute of Public Administration, 2006)

O’Donnell and O’Sullivan, *Crime Control in Ireland: The Politics of Intolerance* (Cork University Press, 2001)

O’Donnell and McAuley (eds.), *Criminal Justice History: Themes and Controversies from Pre-independence Ireland* (Four Courts Press, 2003)

O’Mahony, *Criminal Justice in Ireland* (Institute of Public Administration, 2002)

O’Mahony, *Crime and Punishment in Ireland* (Round Hall, 1993)

O’Mahony, *Criminal Chaos: Seven Crises in Irish Criminal Justice* (Round Hall, 1996)

O’Mahony, *Prison Policy in Ireland: Criminal Justice versus Social Justice* (Cork University Press, 2000)

O’Malley, *Sentencing: Towards a Coherent System* (Round Hall, 2011).

O’Malley, *Sentencing Law and Practice* (3rd ed., Round Hall, 2016)

Rogan, *Prison Law* (Bloomsbury Professional, 2014).

Rogan, *Prison Policy in Ireland: Politics, Penal-Welfarism and Political Imprisonment* (Routledge, 2011).

Ashworth and Redmane, *The Criminal Process* (4th ed., Oxford University Press, 2010)

Ashworth, von Hirsh and Roberts, *Principled Sentencing: Readings on Theory and Policy* (3rd ed., Hart, 2009)

Ashworth, *Sentencing and Criminal Justice* (5th ed., Cambridge University Press, 2010)

Easton and Piper, *Sentencing and Punishment: The Quest for Justice* (2nd ed., Oxford University Press, 2008)

**Programme(s) in which this Module is Offered:**

MLHRCJTFA - Human Rights in Criminal Justice

MLHRCJTPA - Human Rights in Criminal Justice

MAHRCJTFA - Human Rights in Criminal Justice

MAHRCJTPA - Human Rights in Criminal Justice

MLLAGETFA - (General)

MLLAGETPA - (General)

**Semester - Year to be First Offered:**

Autumn - 09/10

**Academic Instruments:**

Assessment is by means of one independent research essay assignment (100% of final grade). Essay titles will be distributed with the course outline/syllabus in the first lecture/seminar and will also be posted to Sulis. Essays (minimum 5000, maximum 7000 words) must be submitted electronically by email attachment no later than 5 p.m. on Friday Week 13 of the Semester. The format of the repeat assessment is the same.

**Module Leader:**

ger.coffey@ul.ie

**Module: LA6132 – International Criminal Law**

**Hours per Week:**

Lecture: 2

Private: 13

Credits: 9

**Rationale and Purpose of the Module:**

This module aims to provide students with an understanding of international criminal law, to the extent that it operates as a mechanism for the international protection of human rights. The module will focus on the emerging international criminal justice system with emphasis on the permanent International Criminal Court. The module aims to develop the analytical skills of students in relation to the function, scope and operation of the international criminal justice system and its likely future development, as well as enabling students to apply the law to various situations. A good understanding of the central issues of international criminal law will therefore be promoted. A sound grasp of the relevant legal principles will be encouraged.

**Syllabus:**

This module will explore the development and influence of international criminal law and critically engage with the established principles of international law as they relate to the protection of human rights. The emphasis will be on the practical elements such as the engagement of international criminal law in attempts to redress gross violations of human rights. Recent developments such as the establishment of the United Nations ad hoc tribunals and the International Criminal Court will be examined and assessed.

**Learning Outcomes:**

*Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)*

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

* Describe the development of international law;
* Assess the organisation and procedure of international criminal law mechanisms and institutions;
* Evaluate the extent to which these afford protection to basic human rights through examination of case-law;
* Analyse the capacity of international criminal law to respond to gross violations of human rights;
* Critique the key debates as presented in case-law, reports and academic writing;
* Locate the role and future of international criminal law in the area of human rights.

**Prime Texts:**

Schabas, *An Introduction to the International Criminal Court* (4th edn, Cambridge University Press, 2011).

**Other Relevant Texts:**

Bantekas, *International Criminal Law* (4th edn, Hart, 2010)

Bassiouni, *Introduction to International Criminal Law* (Transnational Publishers, 2003)

Cassese, *International Criminal Law* (2nd edn. Oxford University Press, 2004)

Cassese and Gaeta (eds.), *Cassese’s International Criminal Law* (3rd edn, Oxford University Press, 2013).

Cassese, Gaeta and Jones (eds.), *The Rome Statute of the International Criminal Court: A Commentary* (Oxford University Press, 2002)

Cassese (eds.), *The Oxford Companion to International Criminal Justice* (Oxford University Press, 2009).

Cryer, *An Introduction to International Criminal Law and Procedure* (Cambridge University Press, 2010).

Dörmann, Doswald-Beck and Kolb, *Elements of War Crimes under the Rome Statute of the International Criminal Court: Sources and Commentary* (Cambridge University Press, 2003)

Mettraux, *International Crimes and Ad Hoc Tribunals* (Oxford University Press, 2006).

Ralph, *Defending the Society of States: Why America Opposes the International Criminal Court and Its Vision of World Society* (Oxford University Press, 2007)

Romano, Nollkaemper and Kleffner, J., (eds), *Internationalized Criminal Courts and Tribunals: Sierra Leone, East Timor, Kosovo and Cambodia* (Oxford University Press, 2004)

Sands, *From Nuremberg to the Hague: The Future of International Criminal Justice* (Cambridge University Press, 2003)

Schabas, *Genocide in International Law: The Crime of Crimes* (Cambridge University Press, 2009).

Schabas, *The UN International Criminal Tribunals: The Former Yugoslavia, Rwanda and Sierra Leone* (Cambridge University Press, 2009)

Sriram, Martin-Ortega and Herman, *War, Conflict and Human Rights: Theory and Practice* (Routledge, 2010).

Zahar and Sluiter*, International Criminal Law* (Oxford University Press, 2008)

**Programme(s) in which this Module is Offered:**

MLHRCJTFA - Human Rights in Criminal Justice

MLHRCJTPA - Human Rights in Criminal Justice

MAHRCJTFA - Human Rights in Criminal Justice

MAHRCJTPA - Human Rights in Criminal Justice

MLLAGETFA - (General)

MLLAGETPA - (General)

**Semester - Year to be First Offered:**

Autumn - 15/16

**Academic Instruments:**

Assessment is by means of one independent research essay assignment (100% of final grade). Essay titles will be distributed with the course outline/syllabus in the first lecture/seminar and will also be posted to Sulis. Essays (minimum 5000, maximum 7000 words) must be submitted electronically by email attachment no later than 5 p.m. on Friday Week 13 of the Semester. The format of this repeat assessment is the same.

**Module Leader:**

ger.coffey@ul.ie

**Module: LA6142 - Policing and Human Rights**

**Hours per Week**

Lecture: 2

Private: 13

Credits: 9

**Rationale and Purpose of the Module:**

This module aims to teach students about the complex role of police in society and how that interacts with both the protection and abuse of human rights. By the end of the course students should be familiar with debates around the police function in society, police culture, police powers and accountability.

**Syllabus:**

Unlike traditional course on policing, this course places human rights at the core of the issue. It works from the premise that at the heart of policing is the need to balance the rights of all members of society (as Patten said “policing is human rights”). Considering first the history of policing, questions as to the functions of the police, and thereby the role of human rights, will emerge. Three core issues will then be covered: police

**Learning Outcomes:**

*Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)*

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

* Recognise the role of policing in society.
* Outline the powers of the police and the legal or constitutional basis for those powers.
* Deduce the impact of police occupational sub-cultural on the use of those powers.
* Identify the human rights instruments and case law which interact with policing.
* Critique the academic debates relating to the role of human rights in policing.
* Apply these skills to domestic, European and international contexts.

**Prime Text:**

Walsh, *Human Rights and Policing in Ireland: Law, Policy and Practice* (Clarus Press, 2009).

**Other Relevant Texts:**

Orange, *Police Powers in Ireland* (Bloomsbury Professional, 2015)

Conway, *Policing Twentieth Century Ireland: A History of An Garda Síochána* (Routledge, 2014)

Conway, *The Blue Wall of Silence: The Morris Tribunal and Police Accountability in Ireland* (Irish Academic Press, 2010)

Coen, *Garda Powers: Law and Practice* (Clarus Press, 2014)

Goldsmith and Lewis (eds.), *Civilian Oversight of Policing: Governance, Democracy and Human Rights* (Hart, 2000).

Pino and Wiatrowski (eds.), *Democratic Policing in Transitional and Developing Countries* (Ashgate, 2006).

Lindholt, *Human Rights and the Police in Transitional Countries* (Kluwer Law International, 2003).

Milne, Savage and Williamson (eds.), *International Developments in Investigative Interviewing* (Willan, 2008).

Waddington, *Policing Citizens: Authority and Rights* (UCL Press, 1999).

Neyroud and Beckley, *Policing, Ethics and Human Rights* (Willan, 2001).

Punch, *Police Corruption: Deviance, Accountability and Reform in Policing* (Willan, 2009).

Uildriks and van Reenen, *Policing Post-Communist Societies: Police-Public Violence, Democratic Policing and Human Rights* (Intersentia, 2003).

Starmer, Michelle Strange, Quincy Whitaker, and Anthony Jennings, *Criminal Justice, Police Powers and Human Rights* (Blackstone's Human Rights Series) (Blackstone Press, 2001).

Kumar, *Human Rights Violations in Police Custody* (SBS Publishers (28 May 2009).

Crawshaw, *Police and Human Rights: A Manual for Teachers and Resource Persons and for Participants in Human Rights Programmes: Second R (Raoul Wallenberg Institute Professional Guides to Human Rights)* (2nd ed., Martinus Nijhoff Publishers 2009).

Crawshaw and Holmstrom, *Essential Texts on Human Rights for the Police: A Compilation of International Instruments (Raoul Wallenberg Institute Professional Guides to Human Rights)* (2nd ed., Brill, 2008).

Lindholt, de Mesquita Neto, Titus, and Alemika, *Human Rights and the Police in Transitional Countries* (Brill, 2003).

Neyroud and Beckley, *Policing, Ethics and Human Rights* (Willan Publishing, 2001).

Crawshaw, *Police and Human Rights: A Manual for Teachers, Resource Persons and Participants in Human Rights Programmes* (Brill, 1999).

Uildriks, *Police Reform and Human Rights: Opportunities and Impediments in Post-Communist Societies* (Intersentia, 2005).

United Nations, *Human Rights Standards and Practice for the Police: Expanded Pocket Book on Human Rights for the Police* (United Nations, 2004). Available at: <http://www.ohchr.org/EN/PublicationsResources/Pages/TrainingEducation.aspx>

Irish Council for Civil Liberties, *Implementing Morris: An Agenda for Change: Placing Human Rights at the Core of Policing in Ireland* (November, 2006) - [http://www.iccl.ie/implementing-morris-an-agenda-for-change-placing-human-rights-at-the-core-of-policing-in-ireland-(november-2006)-.html](http://www.iccl.ie/implementing-morris-an-agenda-for-change-placing-human-rights-at-the-core-of-policing-in-ireland-%28november-2006%29-.html)

Mayberry, *Black Deaths in Police Custody and Human Rights: The Failure of the Stephen Lawrence Inquiry* (Hansib Publishing (Caribbean) Ltd., 2008).

Walsh, *Criminal Procedure* (Round Hall, 2002).

Villiers, *Police and Policing: An Introduction* (Waterside Press, 2009).

Ebai, *The Role and Development of Human Rights based Policing in the Transition from Dictatorship to Democracy in Cameroon* (Ph.D. Thesis, University of Limerick, 2007).

**Programme(s) in which this Module is Offered:**

MLHRCJTFA - Human Rights in Criminal Justice

MLHRCJTPA - Human Rights in Criminal Justice

MAHRCJTFA - Human Rights in Criminal Justice

MAHRCJTPA - Human Rights in Criminal Justice

MLLAGETFA - (General)

MLLAGETPA - (General)

**Semester - Year to be First Offered:**

Spring - 09/10

**Academic Instruments:**

Assessment is by means of one independent research essay assignment (100% of final grade). Essay titles will be distributed with the course outline/syllabus in the first lecture/seminar and will also be posted to Sulis. Essays (minimum 5000, maximum 7000 words) must be submitted electronically by email attachment no later than 5 p.m. on Friday Week 13 of the Semester. The format of the repeat assessment is the same.

**Module Leader:**

ger.coffey@ul.ie

**Disability Support Services**

The University of Limerick is committed to providing equal access to learning opportunities for students with documented disabilities. To ensure reasonable accommodations are in place during your program of study please contact Disability Support Services to engage in a confidential conversation about the process for requesting reasonable accommodations in the classroom, exams and clinical settings. Reasonable accommodations are not provided retrospectively. Students are encouraged to register with Disability Support Services as early as possible. The University of Limerickencourages students to access all resources available through Disability Support Services for consistent support and access to their programs. More information can be found online at [**Disability Support Services**](http://www2.ul.ie/web/WWW/Services/Student_Affairs/Student_Specialised_Supports/Disability_Support_Services)**.** Contact can also be made with the office by phone on 061 213478 or by email at **disabilityservices@ul.ie**