



Ollscoil Chathair
Bhaile Átha Cliath
Dublin City University

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Module Specifications.

Current Academic Year 2024 - 2025

All Module information is indicative, and this portal is an interim interface pending the full upgrade of Coursebuilder and subsequent integration to the new DCU Student Information System (DCU Key).

As such, this is a point in time view of data which will be refreshed periodically. Some fields/data may not yet be available pending the completion of the full Coursebuilder upgrade and integration project. We will post status updates as they become available. Thank you for your patience and understanding.

Date posted: September 2024

Module Title	Law of Evidence		
Module Code	LG337 (ITS) / LAW1029 (Banner)		
Faculty	Humanities & Social Sciences	School	Law & Government
Module Co-ordinator	Yvonne Daly		
Module Teachers	-		
NFQ level	8	Credit Rating	5
Pre-requisite	Not Available		
Co-requisite	Not Available		
Compatibles	Not Available		
Incompatibles	Not Available		

Coursework Only**Array****Description**

The rules of evidence which apply in the Irish courts have evolved over generations, and continue to evolve. Both the courts, and increasingly the legislature, have played a role in determining these rules. This module aims to acquaint students with the rules of evidence, their origins and the context of their development, and to equip students with sufficient substantive knowledge and contextual information to allow them to critique the ongoing need for these rules, and the potential for the recognition of further rules of evidence.

Learning Outcomes

1. describe the function of the law of evidence in legal proceedings;
2. outline the basic principles of the law of evidence;
3. outline and appraise the rules of evidence and demonstrate knowledge of relevant case law and legislation;
4. solve hypothetical evidentiary problems with reference to case law and legislation;
5. critique the rules of evidence in terms of their development and ongoing significance.

Workload	Full-time hours per semester	
<i>Type</i>	<i>Hours</i>	<i>Description</i>
Lecture	24	No Description
Assignment Completion	24	Preparation for Mock Voir Dire - Written
Assignment Completion	8	Preparation for Mock Voir Dire - Oral
Group work	5	Group Work for Mock Voir Dire
Independent Study	40	Reading for Lectures
Independent Study	24	Preparation for Final Assignment

Total Workload: 125

All module information is indicative and subject to change. For further information, students are advised to refer to the University's Marks and Standards and Programme Specific Regulations at:

<http://www.dcu.ie/registry/examinations/index.shtml>

Indicative Content and Learning Activities

Introduction to Fact Finding and Principles of Proof - purpose, origins and development of rules of evidence; function of judge and jury; standard and burden of proof; witness system

Competence and Compellability - the accused; spouse of the accused; persons with disabilities; children and vulnerable witnesses - important changes over

Corroboration - Why is certain evidence seen as weak?; accomplice evidence; children s evidence; ID evidence; confession

Improperly Obtained Evidence - differences in approach in Ireland, England and Wales, and United States; unconstitutionally obtained evidence; illegally obtained

Opinion Evidence - expert evidence; DNA evidence

Rule Against Hearsay - basis of the rule; exceptions to the rule; new legislative exception - prior witness statements

Similar Fact Evidence - admissibility of evidence of past bad behaviour of accused

The Accused as a Witness and the Criminal Justice (Evidence) Act, 1924 - loss of the shield; difference of approach in Ireland and England and Wales

Privilege - sacerdotal; legal/professional; without prejudice communications; public privilege

Assessment Breakdown

Continuous Assessment 100% Examination Weight 0%

Course Work Breakdown

Type	Description	% of total	Assessment Date
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Project	Mock Voir Dire	75%	n/a
Assignment	A brief assignment on a topic other than that examined within the Voir Dire assessment	25%	n/a

Reassessment Requirement Type

Resit arrangements are explained by the following categories:

Resit category 1: A resit is available for both* components of the module.

Resit category 2: No resit is available for a 100% continuous assessment module.

Resit category 3: No resit is available for the continuous assessment component where there is a continuous assessment and examination element.

* 'Both' is used in the context of the module having a Continuous Assessment/Examination split; where the module is 100% continuous assessment, there will also be a resit of the assessment

This module is category 1

Indicative Reading List

- **Fennell:** 2009, The Law of Evidence in Ireland, 3rd, Bloomsbury Professional, Dublin,
- **McGrath:** 2014, Evidence, 2nd, Thomson Round Hall, Dublin,
- **Heffernan and Ni Raifeartaigh:** 2014, Evidence in Criminal Trials, Bloomsbury Professional,
- **Walsh, Dermot:** 2016, Walsh on Criminal Procedure, 2nd, Thomson Round Hall,
- **McGrath:** 2005, Evidence, Thomson Round Hall, Dublin,
- **Heffernan, Imwinkleried, McDermott:** 2008, Evidentiary Foundations: Irish Edition, Tottel Publishing, Dublin,
- **Twining:** 2006, Rethinking Evidence: Exploratory Essays, 2nd, Cambridge University Press,
- **Heffernan:** 2006, Scientific Evidence: Fingerprints and DNA, Firstlaw, Dublin,
- **Heffernan:** 2005, Evidence: Cases and Materials, Thomson Round Hall, Dublin,
- **Healy:** 2004, Irish Laws of Evidence, Thomson, Round Hall, Dublin,
- **Cannon and Neligan:** 2002, Evidence, Thomson Round Hall, Dublin,
- **Walsh:** 2002, Criminal procedure, Thomson Round Hall, Dublin,
- **Easton:** 1998, The Case for the Right to Silence, Amesbury Series in Philosophy,
- **Walsh:** 1998, The Irish Police, Round Hall Sweet & Maxwell, Dublin,
- **Zuckerman:** 1989, The Principles of Criminal Evidence, Clarendon Press, Oxford,
- **Law Reform Commission Consultation Papers and Reports,:** 2005, e.g. Report on the Establishment of a DNA database,

Other Resources

None

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