

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. Summarise and critique the legal reasoning and methodology of the Irish legal system.

Prime Texts:

1. R Byrne, P McCutcheon, C Bruton, and G Coffey, *Byrne and McCutcheon on the Irish Legal System* (5th edn, 2009)
2. The most recent edition of the Irish Constitution (*Bunreacht na hÉireann*)
3. J Schweppe, R Kennedy, E Fahey, and L Donnelly, *How to Think, Write and Cite: Legal Research and Writing* (2011)

Semester - Year to be First Offered:

Autumn - 09/10

Academic Instruments:

Tutorials make up 25% of the final grade; a Final Examination (with multiple choice questions and an essay question) makes up the remaining 75%. For Repeats, the Examination (with multiple choice questions and an essay question) makes up 100% of the final grade.

Module Leader:

Sean.Donlan@staffmail.ul.ie

Module: LA4002/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:

1. Cognitive (Knowledge, Understanding, Application, Analysis, Evaluation, Synthesis)
2. On successful completion of this module, students will be able to:
3. Identify the major historical schools of jurisprudence from the Greeks to the nineteenth century.
4. Describe the various historical theories of natural law and legal positivism.
5. Assess the relevance of jurisprudence to modern law, especially to legislation and adjudication.
6. Evaluate the major schools of jurisprudence
7. 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

Constructive class participation (1/3 of total marks) and final two-hour examination (2/3 of total marks). For Repeats, the examination makes up 100% of the final grade.

Module Leader:

sean.donlan@ul.ie; shane.kilcommins@ul.ie

Module LA4008 - COMPANY AND PARTNERSHIP LAW

Hours Per Week:

Lecture:2 Tutorial: 1

Credits: 6

Rationale and Purpose of the Module:

To provide students with an understanding of the legal regulation of the primary forms of business organisation: the corporate entity and the partnership unit. This module will also be offered on the programme Higher Diploma in Accounting (title to be changed to Professional Diploma in Accounting).

Syllabus:

Corporate formation: types of companies, formalities, advantages and disadvantages of incorporation, corporate personality, piercing the veil, groups of companies; corporate governance; role of shareholders, directors, employees, directors' duties, AGM, accounts and audits; minority shareholder protection; protection of parties dealing with corporations: creditors, voluntary and involuntary, charges over companies; ultra vires contracts; capital integrity; minimum requirements, distributions out of profits, repayments of capital; corporate termination: liquidation, receivership, winding up, examinership, amalgamations and reconstructions. Partnerships; joint and several liability; formation of partnerships; dissolution of partnerships; limited partnerships.

Learning Outcomes:

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

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

- Identify the process of establishing business units.
- Specify the relevant documentation required for incorporation or partnership formation.
- Differentiate between the role of directors and shareholders.
- Distinguish the types of liability arising from business trading units.

Critique the effectiveness of incorporation versus partnership models of business activity

Prime Texts:

Thuillier, *Company Law in Ireland* (Clarus Press 2013)

Other Relevant Texts:

Callanan, *An Introduction to Irish Company Law* (3rd edn. Gill and Macmillan 2007)

Courtney, *The Laws of Companies* (3rd edn. Bloomsbury Professional 2012)

Ellis, *Modern Irish Company Law* (2nd edn. Jordans 2001)

Forde and Kennedy, *Company Law* (4th edn. Round Hall Sweet and Maxwell 2007)

Keane, *Company Law* (4th edn. Tottel Publishing 2007)

MacCann, *A Casebook on Company Law* (Butterworth 1991)

McGrath, *Company Law* (Round Hall 2003)

Murphy, *Business and Company Law: For Irish Students* (Gill and Macmillan 2004)

Twomey, *Partnership Law* (Butterworth 2000)

Academic Instruments:

This module will be assessed by means of a 100% end-of-semester closed book examination comprising of 60% multiple choice component and 40% long question component. The repeat examination comprises the same means of assessment.

Module Leader:

Sarah.Crowley@staffmail.ul.ie

LA4011 - INTRODUCTION TO LAWYERING 1

Hours Per Week:

Lecture: 2 Tutorial: 1

Credits: 6

Rationale And Purpose Of The Module:

The aim of this module is to introduce first time law students to the basic principles and operating procedures of the legal system in Ireland. This will be achieved by providing students with a comprehensive grounding in the key legal skills necessary to allow them to further develop their legal understanding. 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 a detailed knowledge of the legal process, including an introduction to court structure and procedure, the doctrine of precedent, statutory interpretation as well as developing student's legal research, writing, referencing and interpretation skills. The syllabus will focus extensively on self-directed learning and active exercises.

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. Explain the constitutional concept of the separation of powers between the legal and political bodies 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.
- Complete legal research and writing tasks skilfully, using all available resources.
- Accurately identify and interpret key primary sources of law.

Prime Texts:

Byrne, R. and McCutcheon, P., *The Irish Legal System* (6th edn. West Sussex: Bloomsbury Professional 2014) ;

Schweppe, J. Kennedy, R. Donnelly, L. and Fahey, E. *How to Think, Write and Cite: Key Skills for Irish Law Students* (Dublin: Roundhall 2011)

Other Relevant Texts:

Holland, J. and Webb, J., *Learning Legal Rules* (7th edn. Oxford: Oxford University Press 2010).

Semester - Year To Be First Offered:

Autumn - 09/10

Academic Instruments:

- Original assessment
 - o Multiple Choice Quiz on Sulis (20%)
 - o Case note (30%)
 - o Final Essay (50%)

- Repeat assessment
 - o Closed book examination. Two Hours, five questions, attempt 3. All questions carry equal marks. 100% of final grade.

Module Leader:

Kieran.fox@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.

Prime Texts: Varies

Semester - Year to be First Offered:

Spring - 09/10

Academic Instruments:

Tutorials make up 25% of the final grade; a Final Examination (with multiple choice questions and an essay question) makes up the remaining 75%. For Repeats, the Examination (with multiple choice questions and an essay question) makes up 100% of the final grade.

Module Leader:

Sean.Donlan@staffmail.ul.ie

Module LA4013 - MEDIA LAW

Hours Per Week:

Lecture:2 Tutorial: 1

Credits: 6

Rationale And Purpose Of The Module:

This course aims to make students fully aware of the legal framework and constraints within which the media operates, and to enable them to cover courts and other stories with legal implications effectively and with confidence. It also aims to make students fully aware of the major ethical issues that concern journalists. Students will be able to form judgments about ethical dilemmas and articulate a response to them.

Syllabus:

The structure of the legal system, with specific relevance to the law as it affects journalists, including defamation, malicious falsehood, criminal libel, blasphemy, contempt of court, reporting restrictions, breach of confidence and copyright. The course will introduce students to major sources (individuals, institutions, campaigning bodies, government bodies, journalists, journals) on media law issues. Students will analyze complex legal issues and be able to apply them to specific legal dilemmas. The course will cover recent developments in the laws on privacy and in particular European human rights legislation. Students will be introduced to the ethical framework surrounding journalism, including the various codes of conduct, and touching on laws such as those of privacy. They will discuss issues of public interest and its bearing on private lives, and the importance of truth, fairness and objectivity. There will be discussions on reporting suicide, mental health issues, questions of taste and decency, and the use of subterfuge to obtain stories, and the questions of sleaze and sensationalism. Representation of women and minorities in the press will be covered, as will the impact of competition, ownership and advertising on journalism. Assessment will be by examination and coursework essay.

Learning Outcomes:

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

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

Identify the key elements in establishing the legal and regulatory environment of journalistic reporting.

Specify the criteria for defamation actions and truth in reporting.

Outline the basic human rights provisions applicable to journalistic reporting.

Differentiate between law and policy on issues such as privacy and public interest reporting.

Distinguish issues such as copyright, communications received in confidence, ethical issues including sensationalism.

Critique the limits of legally acceptable journalistic reporting standards.

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

The module is broken down into succinct areas; an Introduction into the Irish Legal system, An Introduction to Rights and the Media, freedom of expression (emphasis on

media), defamation, privacy, Media reporting (politics and the courts), copyright, ethics & sensationalism and regulation v self-regulation. The areas will be taught through biweekly lectures, while each area will be subject to an additional discussion led tutorial on the area in question on a fortnightly basis. Given the evolving and fast paced nature of the media, the module will attempt to promote practicality and relevance by encouraging students to engage with topical issues that occur during the semester by bringing relevant media articles to lectures and tutorials for class discussion. The module emphasises a student centred approach. The learning experience of the students should reflect a rapidly evolving and sensitive area that is Media Law, they should find the course relevant, informative and thought provoking.

Prime Texts:

Carolan, E & O Neill, A. (2010) *Media Law in Ireland*.
Murphy & McGuinness, *Journalists and the Law*, 3rd ed, (Round Hall, 2011),
McGonagle, M. (2003) *Media Law 2nd ed.* , Dublin: Roundhall Sweet & Maxwell

Other Relevant Texts:

Crook, *The UK Media Law Pocketbook*, (Oxon: Routledge, 2013)

Martin, *Media Law Ireland*, (Cork: Oak Tree Press, 2011)

Hanna & Dodd, *McNae's Essential Law for Journalists*, 21st ed, (Oxford: Oxford University Press, 2012).

Smart, *Media & Entertainment Law*, 2nd ed, (Oxon, Routledge, 2014).

Semester - Year To Be First Offered:

Autumn - 09/10

Academic Instruments:

100% Exam

Repeat exam will follow the same structure

Module Leader:

Susan.Leahy@staffmail.ul.ie

Module: LA4017 - ADVANCED LAWYERING 1

Hours Per Week:

Lecture:2 Tutorial: 1

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 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:

Section A

The objective of this module is to ensure that upon successful completion, students have a detailed knowledge of the role of the courts and the complementary systems of alternative dispute resolution as a forum for dispute resolution and the practical skills involved. Emphasis will be placed on negotiation, arbitration, conciliation and mediation skills. The module will involve simulation and role-playing in order to develop these skills. Emphasis is also placed on legal ethics outside of the traditional court structure.

Section B

The objective of this section of the module is to provide an elective for students to deepen their understanding of the legal process in an area of particular interest. Students will be expected to elect one project with which to be involved during the semester. Projects will vary from year to year and include deaths in custody, estate planning, miscarriages of justice, sentencing, family law and law and film. All elections are subject to space limitations, availability and resources. Students cannot be guaranteed any specific choice.

Learning Outcomes:

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

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

- Identify the alternatives to judicial resolution of disputes
- Specify the criteria for seeking non-judicial resolution of disputes
- Outline the process used in the key forms of alternative dispute resolution.
- Undertake a significant piece of independent activity in legal practice, research or writing.

Affective (Attitudes and Values)

On successful completion of this module, students will:

- Challenge the competing moral, economic and social justifications for the utilisation of alternative forms of dispute resolution
- Have a deeper understanding of the practical aspects of legal theory through interactive integration by way of role play.

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, self-directed study and simulated role-plays. 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 non-judicial forms of dispute resolution in Ireland and the complex debate which surrounds the utilisation of alternative forms of dispute resolution worldwide, the module aims to develop UL graduate attributes. Students will become more knowledgeable about the variety of options for resolving disputes. Through tailored role plays in labs and assessment mechanisms and particularly through the use of group work, 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:

Other Relevant Texts:

Semester - Year To Be First Offered:

Autumn - 11/12

Academic Instruments:

- 50% individual essay assignment.
- 50% end of term exam.
- Repeat Assessment will be a closed book written exam lasting 2 hours. Students will be required to answer three questions from a choice of five questions. All questions carry equal marks. 100% of final grade.

Module Leader:

philip.smyth@ul.ie

Module: LA4022 - COMMERCIAL LAW -AUTUMN

Hours Per Week:

Lecture:2 Tutorial: 1

Credits: 6

Rationale and Purpose of the Module:

To introduce the student to the legal background of commercial transactions and their impact on everyday commercial life.

Syllabus:

- 1) Agency
- 2) Ownership versus Possession under the Sale of Goods and Supply of Services legislation
- 3) Credit Provision Systems & Security Mechanisms
- 4) Product Liability
 - a) Contractual (Sale of Goods and Supply of Services legislation)
 - b) Tortious (Negligence + Liability for Defective Products Act 1991)
- 5) Intellectual Property
- 6) Competition Law

Learning Outcomes:

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

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

Describe, in detail, the essential terms of a contract to which sale of goods and supply of services legislation applies.

Identify the impact of that legislation on a contract.

Present the principles of law applicable in certain aspects of vendor protection, namely retention of title.

Outline the legal provisions applicable in matters of liability for defective products.

Identify the legal issues arising with agency and its various forms.

Explain the basic principles of competition law in Ireland with reference to the Competition and Consumer Protection Commission.

Summarise the legal rights attaching to the different forms of intellectual property, including trademarks and copyright.

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. interaction between students and lecturer/tutor will play a major role in developing an understanding of the core principles of the module. Students will also be expected to conduct their own private research, using all available sources, to further their knowledge of the relevant issues.

Prime Texts:

Forde M. Commercial Law, Third Edition, (Tottel, Sussex, 2005)

White F, Commercial Law, second edition (Thomson Round Hall, Dublin, 2012)

Other Texts:

Legal databases such as Lexis, Justis, Westlaw.ie, etc

Commercial Law Practitioner (CLP)

Irish Business Law Quarterly (IBLQ)

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

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 five questions where students will be required to answer three 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 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:

Kieran.fox@ul.ie

Module: LA4022 - COMMERCIAL LAW -SPRING

Hours Per Week:

Lecture:2 Tutorial: 1

Credits: 6

Rationale and Purpose of the Module:

To familiarise the student with the legal background of commercial transactions.

Syllabus:

- 7) Agency
- 8) Ownership versus Possession under the Sale of Goods and Supply of Services legislation
- 9) Credit Provision Systems & Security Mechanisms
- 10)Product Liability
 - a) Contractual (Sale of Goods and Supply of Services legislation)
 - b) Tortious (Negligence + Liability for Defective Products Act 1991)
- 11)Intellectual Property
- 12)Competition Law

Learning Outcomes:

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

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

Describe the essential terms of a contract to which sale of goods legislation applies

Identify the impact of that legislation on a contract

Present the principles of law applicable in certain aspects of vendor protection, namely retention of title

Outline the legal provisions applicable in matters of liability for defective products

Identify the legal issues arising with agency and its various forms

Explain the basic principles of competition law in Ireland

Summarise the legal rights attaching to the different forms of intellectual property, including trademarks and copyright.

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:

Forde M. Commercial Law, Third Edition, (Tottel, Sussex, 2005)

White F, Commercial Law, second edition (Thomson Round Hall, Dublin, 2012)

Other Texts:

Legal databases such as Lexis, Justis, Westlaw.ie, etc

Commercial Law Practitioner (CLP)

Irish Business Law Quarterly (IBLQ)

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

Semester - Year to be First Offered:

Summer - 09/10

Academic Instruments:

The assessment will be an in-term essay worth 30%. Details and the submission date will be discussed in class. The remaining 70% is allocated to an end of semester, closed book, examination that will consist of four questions where students will be required to

answer two within a period of 1.5 hours. The questions will comprise of a mixture of essays and problems and 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:

Eddie.Keane@ul.ie

Module: LA4032 - Criminal Procedure

Hours Per Week:

Lecture: 2

Tutorial: 1

Credits: 6

Rationale and Purpose of the Module:

This module will consider the procedures to be used in the criminal justice system from the earliest moment of investigation, right through to sentencing. The system as a whole will be evaluated from various value-based positions, encouraging critical reflection among students. Key areas such as policing, trial procedure and the sentencing process will be considered in depth.

Syllabus:

Criminal Justice Models, Adversarial System, Jury Trials, Due Process, Classifications of Crime, Delay, An Garda Siochana, The Irish Courts/ Prisons, Police Powers, Stop and Search, Arrest & Detention, Questioning and Legal Representation, Bail, Prosecutions & Trial Procedure, Initiating Court Proceedings, Indictments, Arraignments and Pleas, Evidence & the Jury, the Special Criminal Court, Principles of Sentencing, Sentencing Options, Appeals, Miscarriages of Justice.

Learning Outcomes:

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

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

- Recount fundamental concepts underpinning the Irish criminal justice system, such as due process, burden of proof and the importance of the jury;
- Explain the role of the various institutions, bodies and individuals which operate within the system;
- Examine the safeguards which exist within the system to protect the individual against breaches of their constitutional and human rights;
- Outline the procedure which the prosecution of an individual follows from arrest to conviction;
- Locate and interpret the relevant case law and statutes in the area;
- Critically evaluate the operation of the Irish criminal justice system.

Prime Texts:

Conway, V, Daly, Y & Schweppe, J, *Irish Criminal Justice: Theory, Process and Procedure*, (Dublin: Clarus Press, 2010)

O'Malley, *The Criminal Process* (Round Hall, 2009)

Additional Texts:

Ashworth and Redmayne, *The Criminal Process*, 3rd Edition (OUP, 2005)

Bacik and Heffernan, *Criminal Law and Procedure Review* (Blackhall, 2012)

Hucklesby and Wahidin (eds), *Criminal Justice*, (Oxford University Press, 2009)

Kilcommins *et al*, *Crime, Control and the Search for Order in Ireland* (Dublin: Institute of Public administration, 2004)

O'Malley, *Sentencing Law and Practice* 2nd edition, (Round Hall, 2006)

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

Walsh, *Human Rights and Policing in Ireland* (Clarus Press, 2009)

Programme(s) in which this Module is Offered:

Spring

Assessment Instruments

100% End of year examination (2 hours). The repeat follows the same format.

Module Leader:

margaret.fitzgerald@staffmail.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. Each of the Institutions will be examined: Parliament, Commission, Council, European Council, Court of Auditors, European Central Bank and the Court system. 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. 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. (2012) Law of the European Union (9th 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. (2011) EU Law Text, Cases, and Materials. (5th ed.), Oxford University Press

Kaczorowska, A. (2009) European Union Law , London: Routledge-Cavendish

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, 2013

Steiner, J. and Woods, L. (2014) Textbook on EC Law (12th ed.), London: Blackstone

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

Other Relevant Texts:

Arnall, A., et al (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. (2010) The Lisbon Treaty: law, politics, and treaty reform, Oxford: Oxford University Press

Weatherill, S. (2012) Cases and Materials on EU Law (10th 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 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:

- 13) The History, Sources and Institutions of Labour Law
- 14) Defining Employee Status
- 15) Equality
- 16) Health Safety & Welfare at Work
- 17) Bullying & Sexual Harassment
- 18) Termination of Employment
- 19) Trade Union Membership and Recognition

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:

Eddie.Keane@staffmail.ul.ie

Module: LA4038 - FAMILY LAW

Hours Per Week:

Lecture: 2 Tutorial: 1 per fortnight

Credits: 6

Rationale And Purpose Of The Module:

The aim of the course is to familiarise students with the core concepts of Irish family law.

Syllabus:

The module will examine the following: nullity; domestic violence; child custody and access disputes; maintenance; separation agreements; judicial separation; divorce; preliminary and ancillary relief in judicial separation and divorce proceedings; and the non-marital family.

Learning Outcomes:

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

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

- Identify the differing concepts of the family unit both at constitutional and legislative levels.
- Specify the criteria for creating the marital relationship and the necessary consents and mental elements and the protections and obligations owed within the marriage relationship.
- Outline the key ways in which a marriage may be dissolved or terminated and the consequences of such dissolution or termination.
- Differentiate between the rights of married and unmarried parents and their children.
- Distinguish remedies available during a subsisting marriage compared with those arising on the dissolution or termination of such marriage.
- Critique the treatments of the family unit within the Irish legal system.

Prime Texts:

Crowley, *Family Law*, (Dublin: Round Hall, 2013).

Nestor, *An Introduction to Irish Family Law*, 4th ed, (Dublin: Gill and MacMillan, 2011).

Other Relevant Texts:

Kilkelly, *Children's Rights in Ireland: Law Policy and Practice*, (Dublin: Tottel Publishing, 2008).

Shannon, *Child Law*, (Dublin: Thomson Round Hall, 2005).

Shatter, *Shatter's Family Law*, 4th ed, (Dublin: Tottel Publishing, 1997).

Semester - Year To Be First Offered:

Spring - 09/10

Academic Instruments:

The assessment for this module consists of an assignment and a written exam at the end of the semester. The assignment is a 3,000 word essay and accounts for 30% of the marks. The exam accounts for 70% of the marks. The exam is 1.5 hours long. Students are given a choice of 4 questions, of which they will be required to answer 2.

The repeat exam takes the same format as the original exam. Where a student has submitted an essay during the term, the grade for this essay will count for the purposes of the repeat examination and the examination will account for 70% of the grade. Where no assignment has been submitted during the term, the repeat examination will account for 100% of the grade.

Module Leader:

Susan.Leahy@staffmail.ul.ie

Module: LA4040 - LAW OF EVIDENCE

Hours Per Week:

Lecture:2 Tutorial: 1

Credits: 6

Rationale and Purpose of the Module:

The purpose of this module is to provide a comprehensive overview of the law of evidence and how it applies within an adversarial model of justice. The module will touch upon many issues including the relevance of facts, the rights of parties, the principle of orality, due process, and the integrity of decision-making.

Syllabus:

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

Prime Texts:

Caroline Fennell, *Law of Evidence in Ireland*, Bloomsbury Professional (3rd ed, 2009)

Heffernan, R. Ryan and E.J. Imwinkelried, *Evidentiary Foundations: Irish Edition*,

Bloomsbury Professional (2008)

Liz Heffernan, *Evidence: Cases and Materials*, Thomson Round Hall (2005)

John Healy, *Irish Laws of Evidence*, Thomson Round Hall, (2004)

Declan McGrath, *Evidence*, Thomson Round Hall (2015)

Ruth Cannon & Niall Neligan, *Evidence*, Thomson Round Hall (2003)

Liz Heffernan and Una Ni Raifeartaigh, *Evidence in Criminal Trials*, Dublin: Bloomsbury (2014)

Programme(s) in which this Module is Offered:

Spring

Assessment Instruments

100% End of year examination (2 hours). The repeat follows the same format.

Module Leader:

Andrea.Ryan@staffmail.ul.ie

Shane.kilcommins@ul.ie

Module: LA4042 - ADMINISTRATIVE LAW

Hours Per Week

Lecture: 2 Tutorial: 1

Credits: 6

Rationale and Purpose of the Module:

To provide students with the mechanisms to test whether any decisions or actions taken by government or governmental agencies are lawful, and examine the redress available for aggrieved citizens.

Syllabus:

Historical political and administrative background to administrative law within Ireland; relationship of administrative law with the Constitution of Ireland/ Delegated legislation, decisions, administrative acts, informal rules, circulars. The use of discretion. The principles and procedures of judicial review. Remedies.

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 and be familiar with the fundamental principles governing administrative law including natural and constitutional justice, the principle of legitimate expectations, and the extent to which the courts can control the exercise of discretionary powers by administrative authorities.

Have a sufficient understanding of a wide number of selected topics as well as the relevant legislative provisions in this area of law including, the ingredients of fair decision-making, the rule against bias, judicial decision-making, judicial independence and accountability.

Outline the procedural and formal requirements applicable to administrative action and judicial review procedure.

Differentiate the principles governing the legal nature of administrative powers, and the exercise of discretionary powers and duties.

Distinguish judicial review in the context of the theoretical issues and debates governing administrative law.

Critique the limits of administrative law and apply the governing principles in solving legal problems, including the procedures for applying for judicial review, and the availability of public law remedies (certiorari, mandamus, prohibition, quo warranto) for unlawful administrative action.

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

Lectures and Tutorials

Prime Texts:

Hogan and Morgan's (2012) Administrative Law

Coffey (2009) Administrative Law

de Blacam (2001) *Judicial Review*, Butterworths

Bradley (2000) *Judicial Review*, RoundHall/Sweet and Maxwell

Other Texts:

Cane (2003) *Introduction to Administrative Law*, Oxford University Press

Semester - Year to be First Offered:

Spring - 09/10

Academic Instruments:

End of Semester Exam (2 hours) -100%

Repeat

Exam (2 hours) – 100%

Module Leader:

norah.burns@ul.ie

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. (2012) *Law of the European Union* (9th ed.), Essex: Pearson

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

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, 2013

Craig, P., De Búrca, G. (2011) *EU Law Text, Cases, and Materials*. (5th ed.), Oxford University Press
Kaczorowska, A. (2009) *European Union Law*, London: Routledge-Cavendish
Chalmers, D., Monti, G. and Tomkins, A. (2010) *European Union Law* (2nd ed.), Cambridge: Cambridge University Press
Horspool, M., Humphreys, M. (2014) *European Union Law* (8th ed.), Oxford: Oxford University Press
Foster, N. (2014) *Foster on EU Law* (4th ed.), Oxford: Oxford University Press

Steiner, J. and Woods, L. (2014) *Textbook on EC Law* (12th ed.), London: Blackstone

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

Assessment

- 40% In-term Assignment
- 10% Online Sulis Test
- 50% End of Term Assignment

Repeat Assessment:

Essay assignment, 100% of final grade.

Module Leader:

Eimear.Spain@staffmail.ul.ie

Module Code: LA4068 - CRIME AND CRIMINAL JUSTICE

Hours Per Week:

Lecture:2; Tutorial:1

Credits: 6

Rationale And Purpose Of The Module:

The Crime and Criminal Justice 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 media's 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:

Fennell (1993) *Crime and Crisis in Ireland: Justice by Illusion?* , Cork University Press
 Bacik and O Connell (1998) *Crime and Poverty in Ireland* , Round Hall
 Brewer, Lockhart and Rodgers (1997) *Crime in Ireland 1945-95* , Clarendon Press
 O Donnell and McAuley (eds.) (2003) *Criminal Justice History: Themes and Controversies from Pre-independence Ireland* , Four Courts Press
 Kilcommins, O Donnell, O Sullivan and Vaughan (2005) *Crime, Punishment and the Search for Order in Ireland* , Institute of Public Administration
 O Donnell and O Sullivan (2001) *Crime Control in Ireland: The Politics of Intolerance* , Cork University Press
 O Mahony (2002) *Criminal Justice in Ireland* , Institute of Public Administration
 O Mahony (1993) *Crime and Punishment in Ireland* , Round Hall
 O Mahony (1996) *Criminal Chaos: Seven Crises in Irish Criminal Justice* , Round Hall
 O Mahony (2000) *Prison Policy in Ireland: Criminal Justice versus Social Justice* , Cork University Press
 Conway, Daly and Schweppe, *The Irish Criminal Justice System: Theory, Process and Procedure* (Clarus Press, 2010)

Other Relevant Texts:

Ashworth and Redmayne (2010) *The Criminal Process (4th ed)* , Oxford University Press,
 Ashworth, von Hirsh, and Roberts (2009) *Principled Sentencing: Readings on Theory and Policy (3rd ed)* , Hart
 Ashworth (2010) *Sentencing and Criminal Justice (5th ed.)* , Cambridge University Press
 Davies, Croall, and Tyrer (2010) *Criminal Justice: An Introduction to the Criminal Justice System in England and Wales (4th ed.)* , Longman
 Doherty (ed.) (2004) *Criminal Justice and Penology* , Old Bailey Press
 Gibson and Cavadino (2008) *The Criminal Justice System: An Introduction (3rd ed.)* , Waterside Press
 Hostettler (2009) *A History of Criminal Justice in England and Wales* , Waterside Press

Joyce (2006) *Criminal Justice: An Introduction to Crime and the Criminal Justice System*, Willan
Sanders and Young (2010) *Criminal Justice (4th ed.)*, Oxford University Press
Smartt (2006) *Criminal Justice*, Sage
Uglow (2002) *Criminal Justice (2nd ed.)*, Sweet and Maxwell
Zedner (2004) *Criminal Justice*, Oxford University Press

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: Part A, question 1 will be 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. The format of this repeat paper is the same.

Module Leader:

ger.coffey@staffmail.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:

Andrea.Ryan@ul.ie

Module Code: LA4111 - CONTRACT LAW 1

Hours Per Week

Lecture:2; Tutorial:1

Credits: 6

Rationale and Purpose of the Module:

To provide the legal basis for the creation and enforcement of contracts and to examine what restrictions exist regarding freedom to contract.

Syllabus:

Formation of contracts: offer and acceptance, intention, doctrine of consideration.
Formal and evidentiary requirements: void, voidable and unenforceable contracts.
Construction/interpretation of contracts: intention, parol evidence, express and implied terms. Public interest restrictions on contractual freedom: capacity, illegality, privity, competition policy, doctrine of restraint of trade, consumer protection.

Learning Outcomes:

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

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

- Identify the key elements in establishing the formation of a contract through agreement.
- Specify the requirements that convert an agreement into an enforceable contract.
- Outline the written formalities required in certain types of enforceable agreements.
- Differentiate the capacity of legal and natural persons to enforce agreements that they have entered into.
- Distinguish the rights of third parties to enforce contracts from the rights of the parties to enforce that contract.
- Critique the limits of those agreements that can be enforced through the legal system.

Prime Texts:

- Friel, *The Law of Contract*, 2nd ed, (Round Hall, 2000)
- Enright, *Principles of Irish Contract Law*, (Clarus Press, 2007)
- Clarke, *Contract Law in Ireland*, 7th ed, (Roundhall, 2013)

Semester - Year to be First Offered:

Autumn - 09/10

Academic Instruments:

End of Semester Exam (2 Hours) – 90%

Tutorial attendance – 10%

Repeat:

End of Semester Exam – 100%

Module Leader:

Connie.Healy@staffmail.ul.ie

Module: LA4122 - CONTRACT LAW 2

Hours Per Week:

Lecture: 2 Tutorial: 1 Private: 7

Credits: 6

Rationale And Purpose Of The Module:

To examine the grounds upon which contracts may be discharged or avoided and the remedies available to ensure performance of contractual obligations.

Syllabus:

Express and Implied Terms. Vitiating factors: mistake, misrepresentation, fraud, duress, undue influence, unconscionability. Discharge of obligations: by performance, by agreement, by breach, by frustration. Remedies for breach of contract: specific performance, damages, rectification, rescission.

Learning Outcomes:

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

- Identify the key elements in establishing the parameters of a contract either by expressed or implied terms
- Specify the judicial or legislative requirements that imply terms into an enforceable agreement.
- Outline the basis for not enforcing certain types of agreements due to public policy.
- Differentiate the factors that vitiate the existence of a contract based on mistake, misrepresentation, duress and undue influence.
- Distinguish the consequences of bringing a contractual relationship to an end depending on the path chosen, including remedies and sanctions.
- Critique the ability of the law to regulate the voluntary agreements of private citizens

Prime Texts:

Other Relevant Texts:

Academic Instruments

- 100% closed book end of term exam (Spring)
- 100% closed book end of term exam (Annual Repeat)

Module Leader:

norah.burns@ul.ie

Module Code: LA4190 - CONSTITUTIONAL LAW 1

Hours Per Week:

Lecture: 2

Tutorial: 1

Credits: 6

Rationale And Purpose Of The Module:

The aim of the module is to provide a detailed understanding of the main body of the Constitution and the law surrounding it. Fundamental Rights are addressed in Constitutional Law II.

Syllabus:

Constitutional Law I examines the Irish Constitution from an institutional perspective. The course will examine how the Constitution regulates the legal framework of the Irish state and its institutions, including the interaction between these various institutions. Thus, during the course, fundamental issues such as sovereignty and the separation of powers will be examined. The historical development of the Constitution will be initially addressed, and then the powers and competencies of the various organs of government. The related issue of international obligations, including our obligations due to our membership of the European Union will be considered. Issues such as constitutional litigation and constitutional interpretation will also be considered.

Learning Outcomes:

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

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

- Demonstrate an understanding of the historical development of the Constitution;
- Demonstrate an understanding of the text of the Constitution;
- Explain the importance of separation of powers and articulate the basic purpose and position of each of the three main branches of government;
- Examine the potential impact of international law on the domestic legal position in the context of constitutional limitations;
- Appraise the relationship between the Nation, the State and the People;
- Engage rigorously with judicial and academic debate on points of constitutional law.

Prime Texts:

Casey (2000) *Constitutional Law in Ireland* , Dublin: Round Hall Sweet and Maxwell

Forde (2013) *Constitutional Law 3rd ed.* , Dublin: Firstlaw

Hogan and Whyte (2002) *JM Kelly: The Irish Constitution 4th ed.* , Dublin: Butterworths

Doyle (2008) *Constitutional Law: Text, Cases and Materials* , Dublin: Clarus Press

Other Relevant Texts:

Carolan and Doyle (2008) *The Irish Constitution: Governance and Values* , Dublin: Thomson Round Hall

Hogan and Morgan (1998) *Administrative Law in Ireland 3rd edition* , Dublin: Round Hall Sweet & Maxwell

Keogh and McCarthy (2007) *The Making of the Irish Constitution 1937* , Cork: Mercer Press

Morgan () *The Separation of Powers in the Irish Constitution* , Dublin: Roundhall

Ryan (2008) *Constitutional Law 2nd edition* , Dublin: Round Hall

Murphy and Twomey (eds) (1998) *Ireland's Evolving Constitution 1937-1997 Collected Essays* , Oxford: Hart Publishing

Sarkin and Binchy (2004) *The Administration of Justice: Current Themes in Comparative Perspective* , Dublin: Four Courts Press

Academic Instruments

- Total Marks 100: Formal Written Examination 60 marks; Continuous Assessment 35 marks; Tutorial Attendance 5 marks.

-Repeat Assessment: Formal Written Examination 100 marks.

Module Leader:

Laura.Cahillane@staffmail.ul.ie

Module Code: LA4205 NURSING AND MIDWIFERY AND THE LAW

Hours Per Week

Lecture:2

Tutorial:1

Credits: 6

Rationale and Purpose of the Module:

This module provides an understanding of the role and application of the legal process in the practice of nursing and midwifery.

Syllabus:

The sources of law: the Constitution, case law, and legislation. The court structure; tribunals and other dispute resolution mechanisms. The regulatory framework: The Nurses and Midwives Act, An Bord Altranais, registration, and control on the right to practice, disciplinary issues: fitness to practice, investigation and sanction. Drug administration., Nurses and Midwives Act. Record keeping and the Misuse of Drugs Acts, Confidentiality, data protection legislation, and freedom of information legislation, The midwifery and nursing environment hospitals, community, nursing homes; Health and safety provisions as applied to the health care environment. Wills. Charter of Patients' rights. Disciplinary issues: fitness to practice, investigation, and sanction. Issues in criminal and tort law in the practice of nursing and midwifery: Liability for negligence. Administration and Issues of drugs; issues of informed consent, informed choice, right of refusal. Mental health provisions. Fundamental human rights issues

Learning Outcomes:

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

Demonstrate an overview understanding of the Irish Legal System as relevant to nursing and midwifery practice

Explore legislation and related issues within nursing and midwifery practice

Discuss the concepts of duty of care, tort and negligence, legal resolution mechanisms and the implications for nursing and midwifery practice

Explore statutory legislation and consider the issues for midwifery and nursing with regard to areas such as the Nurses and Midwives Act, Health and Safety Act, Mental Health Act, Disability Act, Freedom of Information, Misuse of Drugs Acts and Data Protection Act.

Affective (Attitudes and Values)

Relate relevant legislation to nursing and midwifery practice

Discuss the concepts of fundamental human rights in health care

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

Participate in the learning environment through engagement in teaching and learning will include such methods as, strategies e.g. lectures, discussions, tutorials, group work, self-directed learning, recommended reading, reflection, peer presentations, enquiry/problem based learning, practical demonstration, observation, case scenarios, role-play, audio-visual and laboratory sessions, OSCE's and the virtual learning environment

Prime Texts:

Dimond, B. (2006) *The Legal Aspects of Midwifery, 3rd ed*, Edinburgh: Books for Midwives

Jenkins, R. and Jones, S.R. (2004) *The Law and the Midwife*, Oxford: Blackwell

Van Dokkum, N. (2011) *Nursing Law for students in Ireland, 2nd ed*, Dublin: Gill & Macmillan.

Other Texts:

Bogner, M.S., (2012) *Human Errors in Medicine*, CRC Press

Byrne, R. and McCutcheon, J.P. (2009) *The Irish Legal System, 5th ed*, Haywards Heath: Bloombury Professional

Casey, P. (2000) *Constitutional Law in Ireland, 3rd ed*, Dublin: Round Hall Sweet & Maxwell.

Casey, P.R. and Craven, C (2010) *Psychiatry and the Law, 2nd ed*, Dublin: Blackhall Publishing.

Doolan, B. (2011) *Principles of Irish Law, 8th ed*, Dublin: Gill and Macmillan

Dooley, D. and McCarthy, J. (2011) *Nursing Ethics: Irish Cases and Concerns, 2nd ed*, Dublin: Gill and Macmillan

Greene, B. (2005) *Understanding Medical Law*, London: Cavendish

Hockton, A. (2002) *The Law of Consent to Medical Treatment*, London: Sweet & Maxwell

Madden, D. (2011) *Medicine, Ethics and the Law, 2nd ed.,,* Dublin: Butterworths

Merry, A. and McCall Smith, A. (2001) *Errors, Medicine and the Law,,* Cambridge: Cambridge University Press.

Mills, S. (2007) *Clinical Practice and the Law, 2nd ed*, Dublin: Tottel Publishing

Tingle, J. and Cribb, A. (2007) *Nursing Law and Ethics*, Oxford: Wiley-Blackwell

Academic Instruments:

End of Semester Exam 100%

Repeat Exam:

End of Semester Exam 100%

Module Leader:

Connie.Healy@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)

Charleton, Bolger and McDermott, *Criminal Law* (Butterworths, 1999)

Semester - Year To Be First Offered:

Autumn - 09/10

Module Leader:

philip.smyth@ul.ie

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: LA4222 - CRIMINAL LAW 2

Hours Per Week:

Lecture: 2 Tutorial: 1

Credits: 6

Rationale And Purpose Of The Module:

By building on Criminal Law 1, to examine the principal criminal offences. This module builds upon Criminal Law 1. In Criminal Law 1, students were introduced to the foundational concepts of criminal law such as actus reus and mens rea. This module introduces students to the specific offences such as homicide, sexual offences and property offences.

Syllabus:

The topics covered in this module include: Homicide (murder and manslaughter); Non-fatal offences against the person: Sexual offences: Offences against property (theft offences and criminal damage): Inchoate Offences; Offences against the administration of justice: Criminal Justice (Public Order) Act, 1994;

Learning Outcomes:

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

On successful completion of this module, a student will be able to:
Describe the rules and principles of the law of homicide;

Explain the law and principles relating to non-fatal offences against the person and sexual offences;

Identify the law and principles regarding offences against property;

Apply the rules and principles to scenarios so as to demonstrate the criminal liability involved.

Prime Texts:

- Campbell, Kilcommins, O Sullivan, *Criminal Law in Ireland: Cases and Commentary* (Dublin: Clarus Press, 2010).
- McIntyre, McMullan & O'Toghda, *Criminal Law*, (Dublin: Round Hall, 2012).

Other Relevant Texts:

- Hanly, *An Introduction to Irish Criminal Law* 2nd ed. (Dublin: Gill & MacMillan, 2006).
- Coffey, G, *Criminal Law* (Dublin: Round Hall, 2010).

Semester - Year To Be First Offered:

Spring - 09/10

Academic Instruments:

This module is assessed by an end-of-semester 100% examination. The exam is two hours long. The exam will consist of five questions and students must answer three of these questions.

The repeat examination will take the same format.

Module Leader:

Susan.Leahy@staffmail.ul.ie

Module: LA4310 - LAW OF TORTS 1

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 - 08/09

Academic Instruments:

50% End of Semester Exam (based on a fact pattern distributed in advance)

50% In-term Essay (group essay, based on mooting)

Repeat Assessment: Same format (except individual essays are submitted, if required)

Module Leader:

Eoin.Quill@staffmail.ul.ie

Module:LA4320 - LAW OF TORTS 2

Hours Per Week:

Lecture: 2

Tutorial: 1

Private: 7

Credits: 6

Rationale and Purpose of the Module:

To examine the nominate torts (other than negligence and breach of statutory duty). To evaluate remedies in the area of Tort Law and the assessment of damages.

Syllabus:

Trespass to the person, land and goods. Nuisance. Rylands v Fletcher liability. Damage by fire. Damage by animals. Defamation. Economic torts: deceit, passing off, injurious falsehood, inducement to breach of contract, conspiracy, intimidation. Relationship of torts with constitutional law and EU law. Remedies: general and special, judicial and extra-judicial, assessment of damages. Limitation of actions. Alternative compensation systems.

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 such as trespass, nuisance, defamation, economic torts and breach of constitutional rights and also identify the criteria for the assessment of damages.

Specify the circumstances in which each of the above torts is an appropriate form of action.

Outline the ways in which various rights, such as bodily integrity, personal liberty, reputation, privacy, property and economic rights are protected by the torts and how they are valued in the remedial process (either through injunctions or quantification of damages).

Differentiate the various conceptions of these torts in different eras and the changing values reflected in these differences.

Distinguish the various conceptions of justice reflected in the scope of the rights protected and the remedies available for their enforcement.

Critique the effectiveness of the legal rules in protecting the rights affected and the values espoused by the rules.

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:

Spring - 09/10

Academic Instruments:

50% End of Semester Exam (based on a fact pattern distributed in advance)

50% In-term Essay (group essay, based on mooting)

Repeat Assessment: Same format (except individual essays are submitted, if required)

Module Leader: Eoin.Quill@staffmail.ul.ie

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.

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

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

Repeat Assessment: 100% Exam

Module Leader:

Eoin.Quill@staffmail.ul.ie

Module: LA4390 - LAW OF TORTS 1

Hours Per Week:

Lecture: 3

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:

50% End of Semester Exam (based on a fact pattern distributed in advance)

50% In-term Essay (group essay, based on mooting)

Repeat Assessment: Same format (except individual essays are submitted, if required)

Module Leader:

Eoin.Quill@staffmail.ul.ie

Module: LA4392 - LAW OF TORTS 2

Hours Per Week:

Lecture: 3

Private: 7

Credits: 6

Rationale and Purpose of the Module:

To examine the nominate torts (other than negligence and breach of statutory duty). To evaluate remedies in the area of Tort Law and the assessment of damages.

Syllabus:

Trespass to the person, land and goods. Nuisance. Rylands v Fletcher liability. Damage by fire. Damage by animals. Defamation. Economic torts: deceit, passing off, injurious falsehood, inducement to breach of contract, conspiracy, intimidation. Relationship of torts with constitutional law and EU law. Remedies: general and special, judicial and extra-judicial, assessment of damages. Limitation of actions. Alternative compensation systems.

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 such as trespass, nuisance, defamation, economic torts and breach of constitutional rights and also identify the criteria for the assessment of damages.

Specify the circumstances in which each of the above torts is an appropriate form of action.

Outline the ways in which various rights, such as bodily integrity, personal liberty, reputation, privacy, property and economic rights are protected by the torts and how they are valued in the remedial process (either through injunctions or quantification of damages).

Differentiate the various conceptions of these torts in different eras and the changing values reflected in these differences.

Distinguish the various conceptions of justice reflected in the scope of the rights protected and the remedies available for their enforcement.

Critique the effectiveness of the legal rules in protecting the rights affected and the values espoused by the rules.

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:

Spring - 09/10

Academic Instruments:

50% End of Semester Exam (based on a fact pattern distributed in advance)

50% In-term Essay (group essay, based on mooting)

Repeat Assessment: Same format (except individual essays are submitted, if required)

Module Leader:

Eoin.Quill@staffmail.ul.ie

Module: LA4430 - CONSTITUTIONAL LAW 1

Hours Per Week:

Lecture: 2; Tutorial: 1

Credits: 6

Rationale And Purpose Of The Module:

The aim of the module is to provide a detailed understanding of the main body of the Constitution and the law surrounding it. Fundamental Rights are addressed in Constitutional Law II.

Syllabus:

Constitutional Law I examines the Irish Constitution from an institutional perspective. The course will examine how the Constitution regulates the legal framework of the Irish state and its institutions, including the interaction between these various institutions. Thus, during the course, fundamental issues such as sovereignty and the separation of powers will be examined. The historical development of the Constitution will be initially addressed, and then the powers and competencies of the various organs of government. The related issue of international obligations, including our obligations due to our membership of the European Union will be considered. Issues such as constitutional litigation and constitutional interpretation will also be considered.

Learning Outcomes:

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

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

- Demonstrate an understanding of the historical development of the Constitution;
- Demonstrate an understanding of the text of the Constitution;
- Explain the importance of separation of powers and articulate the basic purpose and position of each of the three main branches of government;
- Examine the potential impact of international law on the domestic legal position in the context of constitutional limitations;
- Appraise the relationship between the Nation, the State and the People;
- Engage rigorously with judicial and academic debate on points of constitutional law.

Prime Texts:

Casey (2000) *Constitutional Law in Ireland* , Dublin: Round Hall Sweet and Maxwell

Forde (2013) *Constitutional Law 3rd ed.* , Dublin: Firstlaw

Hogan and Whyte (2002) *JM Kelly: The Irish Constitution 4th ed.* , Dublin: Butterworths

Doyle (2008) *Constitutional Law: Text, Cases and Materials* , Dublin: Clarus Press

Other Relevant Texts:

Carolan and Doyle (2008) *The Irish Constitution: Governance and Values* , Dublin: Thomson Round Hall

Hogan and Morgan (1998) *Administrative Law in Ireland 3rd edition* , Dublin: Round Hall Sweet & Maxwell

Keogh and McCarthy (2007) *The Making of the Irish Constitution 1937* , Cork: Mercer Press

Morgan () *The Separation of Powers in the Irish Constitution* , Dublin: Roundhall

Ryan (2008) *Constitutional Law 2nd edition* , Dublin: Round Hall

Murphy and Twomey (eds) (1998) *Ireland's Evolving Constitution 1937-1997 Collected Essays* , Oxford: Hart Publishing

Sarkin and Binchy (2004) *The Administration of Justice: Current Themes in Comparative Perspective* , Dublin: Four Courts Press

Academic Instruments:

- Total Marks 100: Formal Written Examination 60 marks; Continuous Assessment 35 marks; Tutorial Attendance 5 marks.

-Repeat Assessment: Formal Written Examination 100 marks

Module Leader:

Laura.Cahillane@staffmail.ul.ie

Module Code: LA4440 - CONSTITUTIONAL LAW 2

Hours Per Week:

Lecture: 2; Tutorial: 1

Credit:6

Rationale and Purpose of the Module:

The aim of this course is to examine the fundamental rights provisions of the Irish Constitution, considering always the obligations of the state under international law.

Syllabus:

Topics to be covered include fundamental rights theories; unenumerated rights; directive principles of social policy under the Irish Constitution; trial of offences; due process of law; the guarantee of equality; personal rights; the family; education; religion; private property; judicial review of administrative action; remedies for breach of constitutionally protected rights; international regimes for the protection of rights.

Learning Outcomes:

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

On successful completion of this module, students will be able to: Demonstrate an understanding of the doctrine of fundamental rights from an international and Irish perspective Identify the various fundamental rights protected by the Constitution Examine the limitations placed on the exercise of rights Appraise the relationship between the various stakeholders in fundamental rights discourse and assess how these interests should be balanced. Reason by analogy and apply the law on fundamental rights to determine the likely outcome of a court action. 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:

Casey (2000) *Constitutional Law in Ireland* , Dublin: Round Hall Sweet and Maxwell
Forde (2004) *Constitutional Law 2nd ed* , Dublin: Firstlaw
Forde & Leonard (2013) *Constitutional Law of Ireland 3rd ed*, Dublin: Bloomsbury Professional
Hogan and Whyte (2002) *JM Kelly: The Irish Constitution 4th ed* , Dublin: Butterworths
Doyle (2008) *Constitutional Law: Text, Cases and Materials* , Dublin: Clarus Press

Other Relevant Texts:

Carolan and Doyle (2008) *The Irish Constitution: Governance and Values* , Dublin: Thomson Round Hall
Hogan and Morgan (1998) *Administrative Law in Ireland 3rd edition* , Dublin: Round Hall Sweet and Maxwell
Keogh and McCarthy (2007) *The Making of the Irish Constitution 1937* , Cork: Mercer Press
Morgan () *The Separation of Powers in the Irish Constitution* , Dublin: Roundhall
Ryan (2008) *Constitutional Law 2nd edition* , Dublin: Round Hall
Murphy and Twomey (eds) (1998) *Ireland's Evolving Constitution 1937-1997 Collected Essays* , Oxford: Hart Publishing

Sarkin and Binchy (2004) *The Administration of Justice: Current Themes in Comparative Perspective* , Dublin: Four Courts Press

Academic Instruments:

This module will be assessed by means of an end-of-semester closed book written examination accounting for 100% of the final grade. The repeat examination will comprise the same means of assessment.

Module Leader:

norah.burns@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:

- 20) Forms of business association
- 21) Methods and consequences of incorporation
- 22) Corporate criminal liability
- 23) Disregarding separate legal personality
 - a) Legislative exceptions
 - b) Judicial exceptions
- 24) Shareholders rights and remedies
- 25) Corporate contracts
- 26) Share capital
- 27) 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 4 th 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:

- 28) Directors
- 29) Company Secretary and the Annual Return
- 30) Enforcement of Company law
- 31) Dividends and Distributions
- 32) Company borrowing and security
- 33) Receivers
- 34) Examinership
- 35) 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, its 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 4 th 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:

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. That will account for 90% of the total marks. A Sulis Quiz will be used during the semester to allocate an additional 10% maximum of the 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: LA4610 - LAND LAW 1

Hours Per Week:

Lecture: 2; Tutorial 1

Credits: 6

Rationale and Purpose of the Module:

To examine fundamental aspects of land law.

Syllabus:

Introduction: The classification of property, the principles governing finding disputes and the doctrine of treasure trove. Tenure and the doctrine of estates: freehold estates, modified fee simples, restrictions on alienation, leasehold estates, fee farm grants, words of limitation. The influence of equity: historical background, the use and the trust, priorities and the doctrine of notice, the effect of the registration systems on the doctrine of notice. Adverse Possession: the justifications for the doctrine, the title acquired by the squatter, the elements of adverse possession, a human rights issue? Co-ownership: joint tenancy and tenancy in common, severance at law and in equity, determination of co-ownership. Easements and Profits a prendre: characteristics of easements and profits, acquisition of easements and profits, extinguishment of easements and profits.

Learning Outcomes:

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

On the successful completion of this module a student will be able to: outline the key principles of the law governing finding disputes, treasure trove, co-ownership, adverse possession, easements, the doctrine of estates and the doctrine of notice; apply the law to determine the likely outcome of a court action; and critique the extent to which these elements of land law provide an appropriate solution to property related difficulties and disputes.

Prime Texts:

De Londras, *Principles of Irish Property Law* (2nd edition, Dublin: Clarus Press, 2011)

Wylie *Irish Land Law* (5th edition, Dublin: Bloomsbury Professional, 2010)

Other Relevant Texts:

Woods, *Property and Trust Law in Ireland* (London: Kluwer, 2011)

Lyall, A. *Land Law in Ireland* 3rd ed (Dublin: Round Hall, 2010)

Pearce R. and Mee, J. *Land Law* 3rd ed, (Dublin, Round Hall, 2011)

Wylie, J.C.W. *The Land and Conveyancing Law Reform Act 2009: Annotations and Commentary* (Dublin, 2009)

Semester - Year to be First Offered:

Autumn - 09/10

Academic Instruments:

End of year assessment (90% exam; 10% sulis quiz)

Repeat (100% exam)

Module Leader:

Una.Woods@staffmail.ul.ie

Module Code: LA4620 - LAND LAW 2

Hours Per Week:

Lecture: 2; Tutorial 1

Credits: 6

Rationale and Purpose of the Module:

To examine regulatory aspects of land law, including landlord and tenant law and the law of succession.

Syllabus:

Succession law: the rules governing the validity of will, alterations to wills, revocation of wills, construction of wills, limits on freedom of testation, intestate succession. Landlord and Tenant law: the nature of the relationship and how to differentiate it from a licence, the statutory formalities for a lease and an agreement to lease, covenants affecting landlords and tenants, the enforcement of obligations, the determination of the lease, statutory rights of business tenants, the Residential Tenancies Act 2004. Mortgages: the creation of a mortgage, the position of the parties under a mortgage, judgment mortgages

Learning Outcomes:

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

On the successful completion of this module a student will be able to: outline the key principles of the law governing succession, the landlord and tenant relationship and mortgages; specify the requirements for a valid will and the rules which govern intestacies; describe the limits of freedom of testation; differentiate between a lease and a licence; apply these rules to determine the likely outcome of a court action; and critique the extent to which these elements of land law provide an appropriate solution to property related difficulties and disputes.

Prime Texts:

De Londras, F. *Principles of Irish Property Law* 2nd ed (Dublin, 2011)

Lyall, A. *Land Law in Ireland* 3rd ed (Dublin, 2010)

Pearce R. and Mee, J. *Land Law* 3rd ed, (Dublin, 2011)

Woods, *Property and Trust Law in Ireland* (Kluwer, 2011)

Wylie, J.C.W. *Irish Land Law* 5th ed (Dublin, 2013)

Other Relevant Texts:

Brady, J *Succession Law in Ireland* 2nd ed. (Dublin, 1995)

Wylie, J.C.W. *The Land and Conveyancing Law Reform Act 2009: Annotations and Commentary* (Dublin, 2009)

Wylie, J *Irish Landlord and Tenant Law* 3rd ed. (Dublin, 1998)

Semester - Year to be First Offered:

Autumn - 09/10

Academic Instruments:

End of year assessment (100% exam)

Repeat (100% exam)

Module Leader:

Una.Woods@staffmail.ul.ie

Module: LA4690 - LAND LAW 1

Hours Per Week:

Lecture:3

Credits:6

Rationale and Purpose of the Module:

To examine fundamental aspects of land law.

Syllabus:

Introduction: The classification of property, the principles governing finding disputes and the doctrine of treasure trove. Tenure and the doctrine of estates: freehold estates, modified fee simples, restrictions on alienation, leasehold estates, fee farm grants, words of limitation. The influence of equity: historical background, the use and the trust, priorities and the doctrine of notice, the effect of the registration systems on the doctrine of notice. **Adverse Possession:** the justifications for the doctrine, the title acquired by the squatter, the elements of adverse possession, a human rights issue? **Co-ownership:** joint tenancy and tenancy in common, severance at law and in equity, determination of co-ownership. **Easements and Profits a prendre:** characteristics of easements and profits, acquisition of easements and profits, extinguishment of easements and profits.

Learning Outcomes:

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

On the successful completion of this module a student will be able to: outline the key principles of the law governing finding disputes, treasure trove, co-ownership, adverse possession, easements, the doctrine of estates and the doctrine of notice; apply the law to determine the likely outcome of a court action; and critique the extent to which these elements of land law provide an appropriate solution to property related difficulties and disputes.

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

Prime Texts:

De Londras, *Principles of Irish Property Law* (2nd edition, Dublin: Clarus Press, 2011)
Wylie *Irish Land Law* (5th edition, Dublin: Bloomsbury Professional, 2010)

Other Relevant Texts:

Woods, *Property and Trust Law in Ireland* (London: Kluwer, 2011)
Lyall, A. *Land Law in Ireland* 3rd ed (Dublin: Round Hall, 2010)
Pearce R. and Mee, J. *Land Law* 3rd ed, (Dublin, Round Hall, 2011)
Wylie, J.C.W. *The Land and Conveyancing Law Reform Act 2009: Annotations and Comm*

entary (Dublin, 2009)

Semester - Year to be First Offered:

Autumn - 09/10

Academic Instruments:

End of year assessment (90% exam; 10% sulis quiz)

Repeat (100% exam)

Module Leader:

Una.Woods@staffmail.ul.ie

Module Code: LA4692 - LAND LAW 2

Hours Per Week:

Lecture: 3

Credits:6

Rationale and Purpose of the Module:

To examine regulatory aspects of land law, including landlord and tenant law and the law of succession.

Syllabus:

Succession law: the rules governing the validity of will, alterations to wills, revocation of wills, construction of wills, limits on freedom of testation, intestate succession. Landlord and Tenant law: the nature of the relationship and how to differentiate it from a licence, the statutory formalities for a lease and an agreement to lease, covenants affecting landlords and tenants, the enforcement of obligations, the determination of the lease, statutory rights of business tenants, the Residential Tenancies Act 2004. Mortgages: the creation of a mortgage, the position of the parties under a mortgage, judgment mortgages

Learning Outcomes:

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

On the successful completion of this module a student will be able to: outline the key principles of the law governing succession, the landlord and tenant relationship and mortgages; specify the requirements for a valid will and the rules which govern intestacies; describe the limits of freedom of testation; differentiate between a lease and a licence; apply these rules to determine the likely outcome of a court action; and critique the extent to which these elements of land law provide an appropriate solution to property related difficulties and disputes.

Prime Texts:

De Londras, F. *Principles of Irish Property Law* 2nd ed (Dublin, 2011)

Lyall, A. *Land Law in Ireland* 3rd ed (Dublin, 2010)

Pearce R. and Mee, J. *Land Law* 3rd ed, (Dublin, 2011)

Woods, *Property and Trust Law in Ireland* (Kluwer, 2011)

Wylie, J.C.W. *Irish Land Law* 5th ed (Dublin, 2013)

Other Relevant Texts:

Brady, J *Succession Law in Ireland* 2nd ed. (Dublin, 1995)

Wylie, J.C.W. *The Land and Conveyancing Law Reform Act 2009: Annotations and Commentary* (Dublin, 2009)

Wylie, J *Irish Landlord and Tenant Law* 3rd ed. (Dublin, 1998)

Semester - Year to be First Offered:

Spring - 09/10

Academic Instruments:

End of year assessment (100% exam)

Repeat (100% exam)

Module Leader:

Una.Woods@staffmail.ul.ie

Module: LA4810 - EQUITY AND TRUSTS 1

Hours Per Week:

Lecture: 2; Tutorial 1

Credits: 6

Rationale And Purpose Of The Module:

The rationale and the purpose of this module is to examine the growth and development of equity as a body of law placing particular emphasis on the equitable doctrines and remedies available today.

Syllabus:

The objective of this module is to ensure that upon successful completion, students will have a detailed knowledge of the nature of equity and its historical development, the maxims of equity and the key equitable remedies available including injunctions, specific performance, rescission, rectification and estoppel.

Learning Outcomes:

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

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

- Outline the historical development of equity as a body of law.
- Critically discuss the maxims of equity.
- Critique the key equitable doctrines.
- Describe the equitable remedies and the requirements which must be met to avail of such remedies.
- Apply these rules to determine the likely outcome of a court action.
- Critically evaluate equity's response to difficulties and disputes.

Affective (Attitudes and Values)

Students should gain an appreciation of equity as a distinct body of law

Prime Texts:

Delany, *Equity and the Law of Trusts in Ireland* 5th ed. (Round Hall, 2011) ;

Keane, *Equity and the Law of Trusts in Ireland* 2nd ed. (Bloomsbury Professional, 2011)

Courtney, *Mareva Injunctions and Related Interlocutory Orders* (Butterworths, 1998)

Farrell, *Irish Law of Specific Performance* (Butterworths, 1994)

Hanbury and Martin, *Modern Equity* 19th ed. (Sweet & Maxwell, 2012)

Pettit, *Equity and the Law of Trusts* 11th ed. (Oxford University Press, 2009)

Semester - Year To Be First Offered:

Autumn - 09/10

Academic Instruments:

- Original assessment
 - o 100% exam (mix of essay and problem questions)
- Repeat assessment
 - o 100% exam (mix of essay and problem questions)

Module Leader:

Kathryn.OSullivan@staffmail.ul.ie

Module: LA4828 - EQUITY AND TRUSTS 2

Hours Per Week:

Lecture: 2 ; Tutorial:1

Credits: 6

Rationale And Purpose Of The Module:

The aim of this module is to inculcate in the student an understanding of the modern law of trusts, exploring the creation of express, constructive and resulting trusts and examining the practical importance of trusts in the modern world. The module also aims to introduce students to key aspects of the regulation of trusts and the role of trustees.

Syllabus:

The objective of this module is to ensure that upon successful completion, students have a detailed knowledge of express, implied, resulting, constructive and charitable trusts, the requirements of a trust and the constitution of trusts. Students should also have a detailed knowledge of the general principles relating to trustees, their obligations, duties, powers and fiduciary responsibilities. Finally, the module will consider the implications of a breach of trust.

Learning Outcomes:

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

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

- Differentiate between the different types of trusts.
- Outline the rules which govern the administration of trusts.
- Critically evaluate the requirements for the creation of an enforceable express trust.
- Recognise the circumstances which give rise to a resulting or constructive trust.
- Specify the consequences of a failure to create a valid trust.
- Apply the law on trusts to determine the likely outcome of a court action.
- Critique the extent to which the law on trusts resolves property disputes or difficulties.

Affective (Attitudes and Values)

Students should gain an appreciation of equity as a distinct body of law

Prime Texts:

- Delany, *Equity and the Law of Trusts in Ireland* 5th ed. (Dublin: Round Hall, 2011)
- Keane, *Equity and the Law of Trusts in Ireland* 2nd ed. (Haywards Heath: Bloomsbury, 2011)
- Wylie, *Irish Land Law* 5th ed. (Dublin: Bloomsbury, 2013)
- Delany, *Equity and the Law of Trusts in Ireland-Cases and Materials* (Dublin: Roundhall, 2002)
- Wylie, *A Casebook on Equity and Trusts in Ireland* 2nd ed. (Oxford: Butterworths, 1998)

Semester - Year To Be First Offered:

Spring - 09/10

Academic Instruments:

- Original assessment
 - o 100% exam (mix of essay and problem questions)
- Repeat assessment
 - o 100% exam (mix of essay and problem questions)

Module Leader:

Kathryn.OSullivan@staffmail.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 (with multiple choice questions and an essay question) makes up the remaining 75%. For Repeats, the Examination (with multiple choice questions and an essay question) makes up 100% of the final grade.

Module Leader:

Sean.Donlan@staffmail.ul.ie

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 participant 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, 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: LA5002 - IRISH AND EUROPEAN LABOUR LAW

Hours Per Week

Lecture: 2 Private: 8

Credits: 6

Rationale and Purpose of the Module:

To enable students engage in critical analysis of legal regulations affecting employment, including the ability to recognise the social values reflected in the law and the normative character of labour regulations. To enable students consider the practical implications for employers of their legal rights and duties. To ensure that students appreciate the role and influence of the EC in developing labour law.

Syllabus:

- 1) The impact of European labour law on Irish labour law and the operation of the European Community legal system. The development of social policy (conferring rights on workers) in Europe
- 2) Equality Law
- 3) Atypical Workers
- 4) Health and Safety
- 5) Dignity at Work
- 6) Termination of Employment

Learning Outcomes:

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

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

- Explain the development of European Labour law and its impact on the development of Irish Labour law
- Critically analyse the European and Irish legal provisions relating to equality in the workplace
- Identify the rights enjoyed by atypical workers
- Summarise the legal provisions relating to the protection of employees from sexual harassment in the workplace
- Outline the requirements on both employers and employees in relation to health and safety in the workplace
- Present the principles of law in relation to termination of employment

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 seminars. 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:

Barnard, EU Employment Law 4th ed. (Oxford University Press, 2012)
Regan M. (ed), Employment Law, (Tottel, 2009)

Other Texts:

Blanpain, European Labour Law 13th rev. ed. (Kluwer, 2012)
Daly and Doherty, Principles of Irish Employment Law (Clarus Press, 2010)
Forde and Byrne, Employment Law 3rd ed. (Roundhall Sweet & Maxwell, 2009)

Kenner, EU Employment Law – From Rome to Amsterdam and beyond (Hart Publishing, 2003)
Bolger, Bruton and Kimber, Employment Equality Law (Round Hall, 2012)
Ellis, EU Anti-Discrimination Law (Oxford EC Law Library, 2005)
Shannon, Health and Safety Law and Practice 2nd ed. (Round Hall Press, 2007)
Di Martino, Preventing Violence and Harassment in the Workplace (Office for Official Publications of the European Communities, 2003)
Eardly, Bullying and Stress in the Workplace: employers and employees: a guide, 2nd edition, (Firstlaw, 2008)
Redmond, Dismissal Law in Ireland 2nd ed., Butterworths, 2007

Semester - Year to be First Offered:

Spring - 09/10

Academic Instruments:

The course will be assessed by two in-term written assignments. The first essay accounts for 40% of the grade, with the remaining 60% allocated to the second essay. Personal feedback on the first essay will be provided before the submission deadline for the second essay.

Each assignment will be an essay consisting of a maximum of 3000 words. The topics for the essays, and the deadlines for submission, will be made available during the semester.

Repeat Assessment:

For students that are unsuccessful in the end of term assessment the annual repeat examination will be a written, closed book examination where students will be required to answer two (2) essay type questions from a selection of four (4) within a period of two hours.

Module Leader:

Eddie.Keane@staffmail.ul.ie

Module: LA5021 - MEDIA LAW

Hours Per Week:

Lecture: 3; Private: 13

Credits: 9

Rationale And Purpose Of The Module:

This course aims to make students fully aware of the legal framework and constraints within which the media operates, and to enable them to cover courts and other stories with legal implications effectively and with confidence. It also aims to make students fully aware of the major ethical issues that concern journalists. Students will be able to form judgments about ethical dilemmas and articulate a response to them.

Syllabus:

The structure of the legal system, with specific relevance to the law as it affects journalists, including defamation, malicious falsehood, criminal libel, blasphemy, contempt of court, reporting restrictions, breach of confidence and copyright. The course will introduce students to major sources (individuals, institutions, campaigning bodies, government bodies, journalists, journals) on media law issues. Students will analyze complex legal issues and be able to apply them to specific legal dilemmas. The course will cover recent developments in the laws on privacy and in particular European human rights legislation. Students will be introduced to the ethical framework surrounding journalism, including the various codes of conduct, and touching on laws such as those of privacy. They will discuss issues of public interest and its bearing on private lives, and the importance of truth, fairness and objectivity. There will be discussions on reporting suicide, mental health issues, questions of taste and decency, and the use of subterfuge to obtain stories, and the questions of sleaze and sensationalism. Representation of women and minorities in the press will be covered, as will the impact of competition, ownership and advertising on journalism. Assessment will be by examination and coursework essay on ethics.

Learning Outcomes:

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

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

- Identify the key elements in establishing the legal and regulatory environment of journalistic reporting.
- Specify the criteria for defamation actions and truth in reporting.
- Outline the basic human rights provisions applicable to journalistic reporting.
- Differentiate between law and policy on issues such as privacy and public interest reporting.
- Distinguish issues such as copyright, communications received in confidence, ethical issues including sensationalism.
- Critique the limits of legally acceptable journalistic reporting standards.

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

The module is broken down into succinct areas; an Introduction into the Irish Legal system, An Introduction to Rights and the Media, freedom of expression (emphasis on media), defamation, privacy, Media reporting (politics and the courts), copyright, ethics & sensationalism and regulation v self-regulation. The areas will be taught through biweekly lectures, while each area will be subject to an additional discussion led tutorial on the area in question on a fortnightly basis. Given the evolving and fast paced nature of the media, the module will attempt to promote practicality and relevance by encouraging students to engage with topical issues that occur during the semester by bringing relevant media articles to lectures and tutorials for class discussion. The module emphasises a student centred approach. As the module is not designed specifically for law students it adopts an accessible teaching style, enabling those without a law background to garner a clear understanding of the relevant case law, statutes and relevant constitutional provisions for each area, thereby allowing informed discussion on the issues involved. The learning experience of the students should reflect a rapidly evolving and sensitive area that is Media Law, they should find the course relevant, informative and thought provoking.

Prime Texts:

Carolan, E & O Neill, A. (2010) *Media Law in Ireland*.
Murphy & McGuinness, *Journalists and the Law*, 3rd ed, (Round Hall, 2011),
McGonagle, M. (2003) *Media Law 2nd ed.* , Dublin: Roundhall Sweet & Maxwell

Other Relevant Texts:

Crook, *The UK Media Law Pocketbook*, (Oxon: Routledge, 2013)

Martin, *Media Law Ireland*, (Cork: Oak Tree Press, 2011)

Hanna & Dodd, *McNae's Essential Law for Journalists*, 21st ed, (Oxford: Oxford University Press, 2012).

Smart, *Media & Entertainment Law*, 2nd ed, (Oxon, Routledge, 2014).

Semester - Year To Be First Offered:

Autumn - 09/10

Academic Instruments:

100% Exam

Repeat exam will follow the same structure

Module Leader:

Susan.Leahy@staffmail.ul.ie

Module: LA5121 - COMPARATIVE LAW OF REAL PROPERTY

Hours Per Week:

Lecture: 2; Private: 13

Credits: 9

Rationale And Purpose Of The Module:

To introduce students to the study of comparative approaches to property law and provide students with (i) an advanced understanding of the theory, law and practice pertaining to property law in common law jurisdictions; and (ii) the knowledge and skills necessary to appreciate the theory, law and practice from a comparative perspective.

Syllabus:

This course illustrates the role played by comparative law in property law reform. The law on a number of property law issues is analysed and critiqued with a view to establishing the case for reform and whether lessons can be learnt from the law on these issues in other common law jurisdictions. The topics include adverse possession, business leases, matrimonial property law, the property rights of unmarried cohabitants, the limits on testamentary freedom, family disputes over burials and the recognition of native title in Australia.

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 the Irish law on adverse possession, business leases, family property, succession, burial instructions and the recognition of native title in Australia.
- Critique the current law.
- Discuss the case for reforming the current law or the rationale behind any recent reforms introduced in these areas.
- Engage in comparative analysis of the legal responses of various jurisdictions to property related difficulties and disputes.
- Critically evaluate the extent to which the experiences and responses of other jurisdictions should influence Irish property law.

Prime Texts:

Readings vary from topic to topic, no prime texts.

Other Relevant Texts:

Brady J, *Succession Law in Ireland* 2nd ed (Butterworths, 1995)

Byrne M, *Landlord and Tenant Law: The Commercial Sector* (Round Hall, 2013)

Crowley L, *Family Law* (Round Hall, 2013)

De Londras F, *Principles of Irish Property Law* 2nd ed (Clarus Press, 2011)

Jourdan S and Radley-Gardner O, *Adverse possession* 2nd ed (Bloomsbury Professional, 2011)

Lyall A, *Land Law in Ireland* 3rd ed (Round Hall, 2010)

Mc Neil K, *Common law Aboriginal Title* (Clarendon Press, 1989)

Mee J, *The Property Rights of Cohabitees* (Hart 1999)

Perry M and Lloyd S, *Australian Native Title Law* (Lawbook, 2003)

Russell PH, *Recognizing Aboriginal title: the Mabo case and Indigenous resistance to English-settler colonialism* (University of Toronto Press, 2006)

Shatter A, *Shatter's Family Law* 4th ed (Butterworths, 1997)

Wylie JCW, *Irish Land Law* 5th ed (Bloomsbury Professional, 2013)

Wylie JCW, *Landlord and Tenant Law* 2nd ed (Butterworths, 1998)

Zweigert K and & Kotz H, *An Introduction to Comparative Law* 3rd rev ed (Clarendon Press, 1998)

Programme(s) In Which This Module Is Offered:

LLM General

LLM International Commercial Law

LLM European and Comparative Law

Semester - Year To Be First Offered:

Autumn - 09/10

Academic instruments:

The course will be assessed by **two essays** (each worth 40% of the total credit), an **in term presentation** (15% of the total credit) and the **student's participation** in class throughout the semester (5% of the total credit).

Repeat examination: In the event of the student not completing any of the in-term assessments, the repeat examination will take the form of two essays to be completed by the week of repeat examinations (each worth 50%). If student has completed some of the in-term assessments, credit will be given for these and the percentage of the final essays will be reduced accordingly.

Module Leader:

Una.woods@staffmail.ul.ie

Module: LA5152 - EUROPEAN CRIMINAL LAW

Hours Per Week:

Lecture: 2; Private: 13

Credits: 9

Rationale And Purpose Of The Module:

The basic aims and objectives of this module is to equip students with the knowledge and skills necessary to develop an expertise in the principles, concepts, rules and procedures which make up the European Union's criminal law and relevant developments under the Council of Europe.

Syllabus:

Principles of freedom, security and justice; EU competence in criminal law; Decision-making structures, processes and instruments under Title VI of the Treaty on European Union; Council of Europe Conventions; Mutual assistance in criminal investigations across national boundaries; Mutual recognition of judicial decisions in criminal matters; Europol; Eurojust; Extradition and the arrest warrant; Corpus juris; Money laundering; Confiscation of criminal assets; Cybercrime; Terrorism and organised crime; Harmonisation of criminal law; a common criminal law for Europe; Protection of human rights; Comparisons with other federal jurisdictions.

Learning Outcomes:

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

On successful completion of this module, a student will be able to: Outline the development of EU competence in criminal law; the principles of freedom, security and justice; the principle of mutual recognition; Describe key features of decision-making structures, processes and instruments under Title VI of the Treaty on European Union and Council of Europe Conventions; Consider the developing EU legal instruments aimed at enhancing/harmonising cooperation in criminal matters in the European Union; Assess the legal and democratic bases for cross-border policing in the European Union; Analyse the Corpus Juris as a potential schema for the development of European criminal law; Appraise the growth of EU criminal law in the context of a parallel growth in the machinery for the protection of human rights.

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

Lectures, seminars and student presentations

Prime Texts/ Relevant Texts:

Fletcher M Löff R and Gilmore B, *Eu Criminal Law and Justice*, (Edward Elgar 2008)

Eckes C, Konstadinides T, *Crime within the area of freedom, security and justice: a European public order* (CUP 2011)

Klip A, *European Criminal Law An Integrative Approach* (2nd ed) (Intersentia 2012)

Ligeti K, (ed) *Toward a Prosecutor for the European Union: A Comparative Analysis Vol 1* (Hart 2012)

Mitsilegas V, *EU Criminal Law* (Hart 2009)

Blackstock J, Cape E, Hodgson J, Spronken T *Inside Police Custody* (Intersentia 2013)

Cape E Hodgson J Prakken T and Spronken T, *Suspects in Europe – Procedural Rights at the Investigative Stage of the Criminal Process in the European Union* (Intersentia 2007)

Cape E Namoradze Z Smith R and Spronken T, *Effective Criminal Defence in Europe* (Intersentia 2010)

Spronken T and Vermeulen G, *EU Procedural Rights in Criminal Proceedings* (Intersentia 2009)

Spronken T, *An EU-Wide Letter of Rights: Towards Best Practice* (Intersentia 2010)

Vermeulen G, *Free Gathering and Movement of Evidence in Criminal Matters in the EU*, (Maklu 2012)

Vermeulen G, Rijken C, *Joint investigation teams in the European Union: from theory to practice* (Asser Press 2006)

Programme(s) In Which This Module Is Offered:

MAHRCJTFA-Human Rights in Criminal Justice

MAHRCJTPA-Human Rights in Criminal Justice

MLECLATFA-European and Comparative Law

MLECLATPA-European and Comparative Law - Part Time

MLLAGETFA-(General)

MLLAGETPA-(General) P/T

Semester - Year To Be First Offered:

Autumn - 08/09

Academic instruments:

20% Presentation; 80% Essay

Module Leader:

Andrea.Ryan@staffmail.ul.ie

Module LA5153: COMPARATIVE INTERNATIONAL PROTECTION OF HUMAN RIGHTS LAW

Hours Per Week

Lecture: 2; Private: 13

Credits: 9

Rationale and Purpose of the Module:

To explore the principal elements of international human rights law.

Syllabus:

A comparative study of the principles, concepts, rules and procedures underpinning the protection of human rights in international law from a comparative perspective including in particular: rights theory; universality versus cultural relativism, legislating for human rights; status of human rights treaties; judicial procedures for the enforcement of human rights; state reporting procedures; policing compliance with human rights standards; fact-finding and evidence; sanctions; individual rights and freedom; collective rights

Learning Outcomes:

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

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

- * Identify the principal sources, systems and foundations of international human rights law;
- * Specify general concepts of public international law, to the extent that they are relevant in the field of human rights;
- * Assess the merits of the regional human rights systems;
- * Differentiate between the legal value and authority of declarations, decisions, judgments and other materials generated by the universal and regional human rights systems;
- * Evaluate the current practice for the protection of international human rights within the domestic legal system;

* Critique the efficacy of the United Nations system in protecting and promoting human rights at the global level.

Prime Texts:

- **Seiner, Alston and Goodman:** *International Human Rights in Context: Law, Politics, Morals* (3rd edn Oxford OUP 2008), 341.48/STE
- **Smith, Rhona,** *International Human Rights* (3rd edn, Oxford, 2007), 341.48/SMI
- **Alston, Goodman,** *International Human Rights* (Oxford 2013), 341.48/ALS
- **De Schutter, Olivier,** *International Human Rights Law*, (Cambridge University Press, 2010), 341.48/SCH (also available as an e-book through the library catalogue)

Other Texts:

- **Cassese, Antonio:** *International Law* (6th edn Oxford University Press, 2008)
- **Davis, Howard:** *Human Rights Law: Directions* (2nd edn Oxford OUP, 2009)
- **Aust, Anthony,** *Handbook of International Law*, (Cambridge, 2nd edn, 2010)
- **Cassese, Antonio:** *International Law* (2nd edn Oxford University Press, 2005)
- **Shelton, Dinah,** *Remedies in International Human Rights Law*, (Oxford University Press, 1999)

Semester - Year to be First Offered:

Spring - 09/10

Academic Instruments:

Class Participation 10%

Presentation 40%

End of Semester Essay 50%

Module Leader:

Michelle.Stevenson@ul.ie

Module: LA5162 - LLM Dissertation Methodology

Hours Per Week:

Lecture 2 (does not run every week)

Credits: 3

Rationale And Purpose Of The Module:

The aim of this module is to assist the student in assessing what the salient and important aspects of their thesis are, and enhance their ability to think in complex and coherent ways. The module will equip students with the skills necessary to identify, define and develop a suitable topic for a dissertation in law.

Syllabus:

The objective of this module is to ensure that upon successful completion, students have started working towards the identification of a viable research topic, are well-positioned to start preparing, defending and critiquing a research proposal founded on the use of strong sources as well as developing their skills in structuring their thesis and refining their research question .

Learning Outcomes:

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

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

- Clearly analyse the scope and content of their thesis
- Determine the structure of their thesis
- Outline the key areas of importance in their thesis
- Describe the contribution they are making to knowledge

Affective (Attitudes and Values)

Aimed at students gaining a deeper appreciation of what is required in designing and completing an LLM dissertation

Programme(s) In Which This Module Is Offered:

Semester - Year To Be First Offered:

Spring - 09/10

Academic Instruments:

Constructive class participation (1/3 of total marks) and a written assignment, ie a dissertation proposal (2/3 of total marks). The Module operates on a Pass/Fail basis. Repeat assessment would require that students repeat the Module.

Module Leader:

Sean.Donlan@staffmail.ul.ie

Module: LA5172 – Comparative Criminal Justice

Hours Per Week:

Lecture: 2

Private: 13

Credits: 9

Rationale and Purpose of the Module:

To provide students with : (i) an advanced understanding of the theory, law and practice pertaining to criminal justice in common law and civil jurisdictions; and (ii) the knowledge and skills necessary to appreciate the theory, law and practice from a comparative perspective.

Syllabus:

Historical development of criminal justice systems in common law and civil law countries; accusatorial and inquisitorial concepts in criminal justice; the establishment, status, structure, jurisdictions, powers and functions of criminal justice institutions; initiating a criminal investigation; police powers of arrest, detention and interrogation; police powers of entry, search and seizure; police powers of surveillance; controls on police methods; initiating a criminal prosecution; prosecutorial discretion; the role of the investigating magistrate; discovery and pre-trial disclosure; bail; legal aid and legal representation; pleas and plea-bargaining; other pre-trial procedures; trial evidence; trial procedure; sentencing; appeals; confiscation of criminal assets; juvenile justice.

Learning Outcomes:

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

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

- Outline the historical development of separate approaches to criminal justice in civil and common law jurisdictions;
- Describe key features of criminal justice systems in two civil law jurisdictions and two common law jurisdictions: the role of the police, prosecutors, defence lawyers; judges; victims/witnesses;
- Consider the effects of the differences generated by the roles of the participants in the investigation and trial process;
- Compare and contrast the approaches taken in both types of system to the Law of Evidence;
- Engage in comparative analysis of the trial process in each jurisdiction and evaluate the centrality of the ideas of fairness/search for truth;
- Critically evaluate the actual extent of the perceived differences between the civil law model and the common law model.

Prime Texts:

Auld, R.E. *Review of the Criminal Courts of England and Wales; Report*. (2001) London: the Lord Chancellor's Department (online)

Bradley C. *Criminal Procedure: A Worldwide Study* (Carolina Academic Press 1999)
Cairns, J. & McLeod, G. *The Dearest Birthright of the People of England: the jury in the history of the common law* (Hart 2002)) (available as EBook from Library)
Damaska, M. *Evidence Law Adrift* (Yale UP 1997) (scanned excerpts will be made available)
Delmas-Marty & Spencer, J., *European Criminal Procedures* (2002) Cambridge UP
Fennell, P., Harding, C. Jorg, N, & Swart, B. eds. *Criminal Justice in Europe* (Clarendon 1995)
Hodgson, J. *French Criminal Justice A Comparative Account of the Investigation and Prosecution of Crime in France* (Hart 2005)
Jackson, J. & Doran, S. *Judge without Jury: Diplock Trials in the Adversary System* (OUP 1995)
Jackson, Langer & Tillers (eds) *Crime, Procedure and Evidence in a Comparative and International Context* (Hart 2008)
Langbein, J.H. *The Origins of Adversary Criminal Trial* (Oxford UP 2003)
Ryan, A. *Towards a System of European Criminal Justice* (Routledge, 2014)
Vogler, R. *A World View of Criminal Justice* (Ashgate 2005)

Semester _ Year To Be First Offered:

Spring

Assessment Instruments

20% for class participation; 80% for essay to be submitted by the end of week 13 of the semester.

Module Leader:

margaret.fitzgerald@staffmail.ul.ie

Module: LA5931 - COMPARATIVE LEGAL RESEARCH SKILLS

Hours Per Week:

Lecture: 2 (does not run every week) Tutorial: 0 Private: 3

Credits: 3

Rationale And Purpose Of The Module:

To provide students with the ability to conduct high level research in both common and civil law systems.

Syllabus:

Primary and secondary source materials in common and civil law jurisdictions; electronic databases; quantitative and qualitative analysis.

Learning Outcomes:

On successful completion of this module, students will be able to: - Identify the key tools for comparative legal research including that of electronic databases - Differentiate between common law and civil law research styles and methodology - Critique the effectiveness of comparative legal research, with the ability to identify the limitations of comparative research.

Prime Texts:

Other Relevant Texts:

Semester - Year To Be First Offered:

Autumn - 09/10

Academic Instruments

Constructive class participation (1/3 of total marks) and in-term assignments (2/3 of total marks). The Module operates on a Pass/Fail basis. Repeat assessment would require that students repeat the Module.

Module Leader:

Sean.Donlan@staffmail.ul.ie

Module: LA6011 - INTERNATIONAL BUSINESS TRANSACTIONS

Hours Per Week:

Lecture: 2

Credits: 6

Rationale and Purpose of the Module:

To build on the student's knowledge and understanding of commercial transactions in a cross-border environment.

Syllabus:

The module will review in detail the roles played by the WTO, EU and NAFTA in international business. Problems of formation and enforcement of international contracts for the sale of goods will be analysed. The regulatory environments of WTO, E.U. and U.S. import and export controls will be reviewed. International business litigation and the importance of choice of law and forum selection clauses together with payment mechanisms will be covered. Alternative dispute resolution mechanisms will also be scrutinised in the context of international commerce. Legal issues surrounding overseas trade and investment will also be examined, especially those operating within the confines of EU law.

Learning Outcomes:

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

Identify the key agencies and international organisations in international trade and the regulatory framework within which international trade operates. Specify the rules with respect to the formation and enforcement of international contracts for the sale of goods. Differentiate between the controls on importing and exporting goods and services across trading blocks and the growth of free trade areas. Critique the role of globalisation and foreign investment protection within the international economy.

Prime Texts:

Can, I. (2009) *International Trade Law*, London: Routledge Press
Burnett, R. (2004) *Law of International Business Transactions (3e)*, USA: Federation Press
DiMatteo, L. (2002) *The Law of International Business Transactions*, USA: Thomson Learning
Folsom, R. et al. (2005) *Principles of International Business Transactions, Trade and Economic Relations*, USA: Thomson West

Other Relevant Texts:

Chow, D. and Schoenbaum, T. (2005) *International Business Transactions: Problems, Cases, And Materials*, USA: Aspen Pub

Academic Instruments

2015 (actual)

- 100% closed book end of term exam (Autumn)
- 100% closed book end of term exam (Annual Repeat)

2016 (provisional – subject to confirmation)

- 100% closed book end of term exam (Autumn)
- 100% closed book end of term exam (Annual Repeat)

Module Leader:

2015 raymond.friel@ul.ie (actual)

2016 raymond.friel@ul.ie (provisional)

Module: LA6021 – LAW OF INTERNATIONAL BUSINESS ASSOCIATIONS

Hours Per Week:

Lecture: 2 hours per week

Credits: 9

Rationale and Purpose of the Module:

The aim of this module is to familiarise students with modern international business structures. The module will also examine the importance of corporate governance and the appropriate governance structures in different jurisdictions. This module emphasises independent research and learning and seminars will be structured around presentations and discussions.

Syllabus:

This course will examine the following:

- An overview of the historical development of the corporate structure in western commercial law from the early state based trading corporations to the rise of private enterprise units. This will be coupled with an introduction to theoretical frameworks of business structures and their legal regulation
- An introduction to modern business structures that operate on an international level, including sole trader, registered companies, real estate investment trusts, special purpose entities, joint ventures, franchise arrangements and distribution networks.
- The legal process of creating different business structures in different jurisdictions; The concept of residency, centre of management, and the determination of corporate citizenship; The historical development of corporate formation in the USA, the role of the Delaware corporation in US interstate commerce, modern formation processes in US corporate law.
- Corporate frameworks in European Union in particular the European Company (SE), The evolution of corporate governance structures in the European Union at both State and European level, including aspects of the "Smart Regulation in the European Union" agenda
- Corporate formation in China as totally foreign owned entities and the role of joint ventures in corporate formation.
- Governance issues in Europe, the USA and China, the role of shareholders and investors, restrictions on management, the integration of Labour into corporate oversight and development. and the different institutions involved in enforcing corporate governance provisions including the Sarbanes-Oxley Act in the USA
- Cross border mergers and acquisitions, including national control over corporate ownership in protected sectors.

Learning Outcomes:

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

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

- Identify the different types of business structures that operate internationally
- Discuss how these business structures relate to one another

- Explain how each type of business structure is created
- Critically analyse the legal implications of operating in different jurisdictions
- Identify the key elements of corporate governance
- Recognise the influences on the evolution of corporate governance in the EU and the USA
- Relate corporate governance theories to the legal structures underlying different business structures
- Criticise different theories of corporate governance
- Critique the current thinking and trends in corporate governance matters
- Understand the social and economic value of different business structures
- Understand how legal provisions impact on business structures and behaviour.
- Appreciate the role of corporate governance in modern society

Prime Texts:

Cahn, A and Donald, D. *Comparative Company Law: Text and Cases on the Laws Governing Corporations in Germany, the UK and the USA*. Cambridge: Cambridge University Press (2010)

Gold, Michael, Nikolopoulos, Andreas, Kluge, Norbert. *The European Company Statute: A New Approach to Corporate Governance*. Peter Lang Publishing Group (2009)

Gu, M. *Understanding Chinese Company Law*, 2nd ed. Hong Kong: Hong Kong University Press (2010)

McCahery, J.A, Timmerman, L, Vermeulen, E.P.M. *Private Company Law Reform: International and European Perspectives*. (2010) Asser Press

Munkert, M.J, Stubner, S, Wulf, T. *Founding a Company: Handbook of Legal Forms in Europe*. (2010) SpringerLink

Siems, M and Cabrelli, D. (eds) *Comparative Company Law: A Case-Based Approach*. London: Hart Publishing (2013)

Tully, S. *International Corporate Legal Responsibility*. Kluwer Law International (2012)

Wang, J. *Company Law in China: Regulation of Business Organizations in a Socialist Market Economy*. London: Edward Elgar Publishing Ltd (2014)

Semester - Year to be First Offered:

Autumn - 15/16

Assessment Instruments:

Two class presentations worth 20% each (total of 40%)

An essay worth 60%

Module Leader:

margaret.fitzgerald@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 main 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 *Competition 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% Exam

Module Leader:

Sinead.Eaton@ul.ie

Module: LA6051 – PENOLOGY AND VICTIMOLOGY

Hours Per Week

Lecture: 2; Private: 13

Credits: 9

Rationale and Purpose of the Module:

The purpose of this course is to provide students with an understanding of punishment, criminal justice and social regulation. In particular the aims of the module are as follows: to provide analyses of the primary penal disposals (both contemporary and historical) utilised in society; to highlight the various political, social, cultural and economic determinants that underpin the provision of penal dispositions; to encourage theorisation about punishment and penal responses; to highlight the needs and concerns of victims of crime; to determine how change is possible in the penal complex - in particular, how sanctions are modified or supplanted and how stakeholders, such as victims, emerge; to examine new 'logics' and 'discourses' on punishment and justice as they emerge; and, to provide a framework of understanding modern penal systems and the forms of social organisation in which they operate.

Syllabus:

This module covers the emergence of penal welfarism and individualisation of treatment, the culture of control in late modern society, the emergence of prison and the disciplinary society, issues such as exclusion, governance, and expressive punishments, the politicisation of law and order, the return of the victim, Norbert Elias and the civilising society; Emile Durkheim and social solidarity; Cohen's dispersal of discipline thesis, and crime and punishment in Ireland.

Learning Outcomes:

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

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

- Differentiate between criminal law as paper rules and criminal law in action;
- Outline and trace changes in punishment and the justice system over time;
- Identify the determinants which shape punishment and justice in late modern society;
- Employ different theoretical approaches to criminal law phenomena;
- Examine the extent to which such theories can explain occurrences in late modern Irish society;
- Interpret Irish criminal law cases, statutes and policy recommendations in socio-legal terms

Affective (Attitudes and Values)

On completion of this module, students should be able to:

- Connect changing values and sentiments in punishment and justice with a changing emphasis on criminal law and procedure;
- Understand current criminal justice policies in terms of overarching trends and patterns (as it relates to accused, victims, agencies and politicians);
- Question the extent to which criminal law really is objective and value free in orientation.

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

This module will be delivered via 2-hour seminars which involve instruction on the various theories to be studied, as well as active student discussion on each of these theories. Students will become more knowledgeable by engaging with a new perspective on and understanding of the process of punishment and its role within the criminal justice system, as well as its employment as a form of social regulation. Their knowledge will also be advanced through a critical engagement with the needs and concerns of victim within the criminal system. Students will also become more articulate as they will be taught how to think about punishment in a new more nuanced manner. This will allow them to experience the value of alternative perspectives on a complex issues such as punishment and the appropriate treatment of victims of crime. They will also become more adept at articulating and communicating their views on punishment and victims both within the classroom context and beyond. Students will be expected to become proactive in engaging with the perspectives on punishment and victimhood they are learning about and relate them to real-world examples within the criminal justice system in Ireland. This proactivity will be encouraged and fostered within the discussion and instruction offered in the seminars and within the recommended reading for the module. Recent developments in penology and victimology are incorporated into the module through the recommended reading.

Prime Texts:

Garland (2001) *The Culture of Control* , Oxford University Press

Foucault (1991) *Discipline and Punish: The Birth of the Prison (repr)* , Penguin

Kilcommins et al (2004) *Crime, Punishment and the Search for Order in Ireland* , Institute of Public Administration

Simon (2007) *Governing through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* , Oxford University Press

Other Relevant Texts:

Elias (2000) *The Civilizing Process, 2nd ed* , Wiley-Blackwell

Kilcommins and O'Donnell (eds) (2003) *Alcohol, Society and Law* , Barry Rose Law Publishers Ltd

Garland (1991) *Punishment and Modern Society: A Study in Social Theory* , Clarendon Press

Hudson (2004) *Understanding Justice: An introduction to Ideas, Perspectives and Controversies in Modern Penal Theory, 2nd ed* , Open University Press

Doak (2008) *Victims Rights, Human Rights and Criminal Justice: Reconceiving the Role of Third Parties* , Hart Publishing

Edwards, Harold and Kilcommins (2012) *Access to Justice for People with Disabilities as Victims of Crime in Ireland* , University College Cork

Hanly et al (2009) *Rape and Justice in Ireland: A National Study of Survivor, Prosecutor and Court Responses to Rape* , The Liffey Press

Programme(s) in which this Module is Offered:

MAHRCJTFA - Human Rights in Criminal Justice

MLHRCJTPA - Human Rights in Criminal Justice

MLLAGETFA - (General)

MLLAGETPA - (General) P/T

MLECLATFA - European and Comparative Law

MLECLATPA - European and Comparative Law - Part Time

Semester - Year to be First Offered:

2015/16

Academic Instruments

40% Assignment (1,500 words)

40% Assignment(1,500 words)

20% (viva)

Module Leader:

Shane.Kilcommins@ul.ie

Module LA6062 - COMPARATIVE AND EUROPEAN CRIMINAL JUSTICE

Hours Per Week:

Lecture: 2

Private: 12

Credits: 9

Prerequisite Modules:

Rationale and Purpose of the Module:

This Module addresses developments in the field of European Criminal Justice resulting inter alia from the Lisbon Treaty. These developments are not adequately addressed within the existing module of European Criminal Law LA5152, because as that title suggests, it is narrower in focus than European Criminal Justice. The module will take account of developments to criminal justice systems in EU Member State jurisdictions. Thus, it will assess the body of European Criminal Justice within a contextual framework of comparative law.

Syllabus:

Historical development of criminal justice systems in common law and civil law countries; accusatorial and inquisitorial concepts in criminal justice; development of EU competence in criminal law; Principles of freedom, security and justice; Decision-making structures, processes and instruments under Lisbon Treaty; Council of Europe Conventions; Mutual assistance in criminal investigations across national boundaries; Mutual recognition of judicial decisions in criminal matters; Europol; Eurojust; European Public Prosecutor; Extradition and the European arrest warrant; Evidence gathering/transfer; European Criminal Records Information System; Stockholm Programme 'Roadmap' measures; European Supervision Order; Protection of human rights; Directive on the presumption of innocence; Directive on the European Protection Order; Directive on rights, support and protection of victims of crime; Comparative study of pre-trial and trial processes in selected European jurisdictions; roles of the players in process; the conduct of the trial; the admissibility of evidence; the position of victims in the criminal process; Implications for harmonisation of criminal procedure; a common criminal justice system for Europe?

Learning Outcomes:

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

On successful completion of this module, a student will be able to: - Understand the development of EU competence in criminal justice matters; the principles of freedom, security and justice; the principle of mutual recognition; Describe key features of decision-making structures, processes and instruments under Lisbon Treaty and Council of Europe Conventions; Consider the developing EU legal instruments aimed at enhancing/harmonising cooperation in criminal matters in the European

Union; Assess the legal and democratic bases for cross-border policing in the European Union; - Understand the historical development of approaches to criminal justice in civil and common law jurisdictions. - Describe key features of criminal justice systems civil law and common law jurisdictions: the role of the police, prosecutors, defence lawyers; the jury; judges; victims/witnesses; pretrial; trial. - Consider the effects of the differences between common law and civil law jurisdictions generated by institutional arrangements and culture in the investigation and trial process on the development of a system of European Criminal Justice.

Affective (Attitudes and Values)

Appraise the growth of EU criminal law and procedure in the context of a parallel growth in the machinery for the protection of human rights. - Engage in comparative analysis of the pretrial and trial process in each jurisdiction and evaluate the centrality of the ideas of fairness/search for truth; - Critically evaluate the actual extent of the perceived differences between the civil law model and the common law model of criminal justice and the implications for an EU criminal justice system.

Psychomotor (Physical Skills)

n/a

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

Discussion based seminar encompassing analysis of legislative and policy documents, analysis of academic commentary, student reflections. Materials are all based on up to date active research by Module Leader. Graduate attributes are developed by equipping students with a high level of competence regarding EU criminal justice, and as this is a developing area, will give students a capacity to bring their knowledge to bear on real world problems and challenges;(Knowledgeable) Proactive attributes are included by encouraging active use of data and research to drive improvements in the developing EU criminal justice area. Creative attributes are included by engendering in students a capacity to see new possibilities and opportunities in the development of EU criminal justice. Articulate attributes are included by developing competence in conveying ideas clearly, through active student participation in seminars.

Research Findings Incorporated in to the Syllabus (If Relevant):

Prime Texts:

Klip A, (2012) *European Criminal Law An Integrative Approach (2nd ed)* , Intersentia

Eckes C, Konstadinides T, (2011) *Crime within the area of freedom, security and justice: a European public order* , CUP

Ryan A, (2014) *Towards a System of European Criminal Justice: the problem of admissibility of evidence* , Routledge

Ligeti K, (ed) (2012) *Toward a Prosecutor for the European Union: A Comparative Analysis* , Hart

Other Relevant Texts:

Programme(s) in which this Module is Offered:

MAHRCJTFA - Human Rights in Criminal Justice

MAHRCJTPA - Human Rights in Criminal Justice

MLECLATFA - European and Comparative Law

MLECLATPA - European and Comparative Law - Part Time

MLLAGETFA - (General)

MLLAGETPA - (General) P/T

Semester - Year to be First Offered: Spring AY 2015/2016

Module Leader:

Andrea.Ryan@staffmail.ul.ie

Module: LA6072 - International Tort Law and Business

Hours Per Week:

Lecture: 2
Private: 13
Credits: 9

Rationale And Purpose Of The Module:

The aim of this module is to provide students with a comprehensive understanding of the role of tort law in various jurisdictions, effecting the legal environment in which international business takes place.

Syllabus:

This course will provide an advanced analysis of tort theory and practice in multiple jurisdictions, focused on the relationship between tort and business. It will include both common law and civil law jurisdictions (including USA, UK, EU, Canada, Australia, Ireland, Germany and France).

General theories of liability will be explored; Rights Theory, Corrective Justice, Civil Recourse, Distributive Justice and Economic Analysis.

Specific causes of action and general conditions of liability, generating potential liability for businesses or protecting business interests, will be examined. Areas considered will be: Product Liability, Liability for Pure Economic Loss, Employers' Liability, Liability for Hazardous Activities, and Commercial Personality Rights (reputation, goodwill and confidentiality).

The relationship between tort law and the tort process will be considered; Insurance, Proof, Extra-Judicial Processes (Boards and Tribunals) and Mass Tort Claims.

Learning Outcomes:

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

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

Identify the effects of tort law in international business.

Explain the legal basis of liability in different jurisdictions.

Critically analyse the impact of tort law and tort processes on international business.

Critique the intersection between the theory and practice of tort law in respect of international business.

Discuss the role of tort law and tort processes in both regulating and protecting business.

Relate the significance of tort law to the overall legal regulation of international commercial law.

Affective (Attitudes and Values)

On completion of this module a student will:

Understand the role of tort law and tort processes in international business activities.

Understand how the tort liability impacts upon both those trading internationally and those who deal with them.

Appreciate the need for clarity and transparency in tort law in a commercial setting.

Prime Texts:

H Carty, *An Analysis of the Economic Torts* 2nd ed (OUP, 2010)
P Cane, *Atiyah's Accidents, Compensation and the Law*, 8th ed (OUP, 2013)

Other Relevant Texts:

J Arlen, *Research Handbook on the Economics of Torts* (Edward Elgar, 2014)
S Douglas, *Liability for Wrongful Interferences with Chattels* (Hart, 2011)
P Giliker, *Vicarious Liability in Tort: A Comparative Perspective* (CUP, 2010)
D Brodie, *Enterprise Liability and the Common Law* (CUP, 2010)
S Green & J Randall, *The Tort of Conversion* (Hart, 2009)
VV Palmer & M Bussani, *Pure Economic Loss: New Horizons in Comparative Law* (Routledge-Cavendish, 2008)
AO Sykes, *Economics of Tort Law* (Edward Elgar, 2007)
CA Witting et al, *Pure Economic Loss* (Springer, 2004)
VV Palmer & M Bussani, *Pure Economic Loss in Europe* (CUP, 2003)
P Cane, *Tort Law and Economic Interests*, 2nd ed (Clarendon Press, 1996)
WM Landes & RA Posner, *The Economic Structure of Tort Law* (Harvard UP, 1987)

Semester - Year To Be First Offered:

Spring - 15/16

Academic Instruments

100% End of Semester Essay
Repeat Assessment 100% Essay

Module Leader:

Eoin.Quill@staffmail.ul.ie

Module Code: LA6101 - INTERNATIONAL BUSINESS TRANSACTIONS

Hours Per Week:

Lecture: 2; Private: 13

Credits: 9

Rationale and Purpose of the Module:

To build on the students' knowledge and understanding of commercial transactions in a cross-border environment.

Syllabus:

The module will review in detail the roles played by the WTO, EU and NAFTA in international business. Problems of formation and enforcement of international contracts for the sale of goods will be analysed. The regulatory environments of WTO and U.S. import and export controls will be reviewed. Aspects of international finance, as well as the impact of anti-terrorism rules on financial arrangements, will also be studied. International business litigation and the importance of choice of law and forum selection clauses will be covered. Alternative dispute resolution mechanisms will also be scrutinised in the context of international commerce. Legal issues surrounding overseas investment will also be examined, especially those operating within the confines of EC law.

Learning Outcomes:

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

On successful completion of this module, students will be able to: 1. Identify the key agencies and international organisations in international trade and the regulatory framework within which international trade operates. 2. Specify the rules with respect to the formation and enforcement of international contracts for the sale of goods. 3. Critique the financing of international contracts within an enhanced national security setting. 4. Differentiate between the controls on importing and exporting goods and services across trading blocks and the growth of free trade areas. 5. Distinguish between the economic grounds for foreign investment and the legal protections available to such investments. 6. Critique the role of globalisation within the international economy and the suitability of the legal environment for such activities.

NB: Syllabus Change anticipated in 2015/16

Semester - Year to be First Offered:

Spring - 09/10

Academic Instruments

2014 (actual)

- 100% closed book end of term exam (Autumn)

– 100% closed book end of term exam (Annual Repeat)

2015 (provisional – subject to confirmation)

– 100% closed book end of term exam (Autumn)

– 100% closed book end of term exam (Annual Repeat)

Module Leader:

2014/15 raymond.friel@ul.ie (actual)

2015/16 raymond.friel@ul.ie (provisional)

Module: LA6102 - Law of Credit and Security

Hours Per Week:

Lecture: 3 Tutorial: 0 Private: 12

Credits: 9

Rationale And Purpose Of The Module:

To provide students with an in-depth knowledge of securitising assets.

Syllabus:

This module will examine the development of money and credit markets, the ways in which the creditor/debtor relationship can arise and how it is documented. The module also covers the legal issues arising in the giving of security and the creation of security interests, as well as the enforcement issues which surround these. The course will conclude with an analysis of insolvency law in a number of key jurisdictions..

Learning Outcomes:

On successful completion of this module, a student will be able to: - Describe the primary forms of credit and legal consequences of each - Describe the primary forms of security and legal rules governing these - Identify the differences between different forms of credit and security - Compare and contrast the differences from lenders and borrowers perspectives - Compare the economic and operational factors which influence the decisions made on taking security - Relate those decisions to the technical rules on perfection of security - Determine the priority of different forms of security – Understand comparative approaches to insolvency law.

Prime Texts:

Other Relevant Texts:

Semester - Year To Be First Offered:

Spring - 09/10

Academic Instruments

2015 (actual)

- 100% closed book end of term exam (Spring)
- 100% closed book end of term exam (Annual Repeat)

2016 (provisional – subject to confirmation)

- 100% closed book end of term exam (Spring)
- 100% closed book end of term exam (Annual Repeat)

Module Leader:

2014/15 raymond.friel@ul.ie (actual)

2015/16 raymond.friel@ul.ie (provisional)

Module: LA6111 - Criminal Justice Processes and Sentencing

Hours Per Week:

Lecture: 3

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 – 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* (2nd ed., Round Hall, 2006)
O'Malley, *The Criminal Process* (Round Hall, 2010)
Conway, Daly and Schweppe, *The Irish Criminal Justice System: Theory, Process and Procedure* (Clarus Press, 2010)

Other Relevant Texts:

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:**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). 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 paper is the same.

Module Leader:

ger.coffey@staffmail.ul.ie

Module Code: LA6112 - International Protection of Intellectual Property Rights

Hours Per Week:

*Lecture:*3

Private: 13

*Credits:*9

Rationale And Purpose Of The Module:

The aim of the module is to extend the students' knowledge of the various sources and forms of intellectual property (I.P.) rights, their status, the rights attaching to each form of I.P. and the international protections available for these. The students will also gain an understanding of the commercial applications of I.P. rights and the legal issues which arise.

Syllabus:

The aim of the module is to give students an understanding of the various sources and forms of intellectual property (I.P.) rights including patent, trademark, copyright and design protection. The source of these rights, their limitations, infringement and remedies available for breaches will be examined as will the methods of registration of I.P. rights. The course will also examine common law protections available to protect I.P. including the protection available for trade secrets at a national and supranational level. The course will focus on the protection on IP internationally, examining relevant EU law and global IP treaties.

Learning Outcomes:

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

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

- Identify the different forms of intellectual property on a comparative basis.
- Specify the limits surrounding the effective exercise of IP rights across frontiers.
- Critique the different forms of protection available for different IP rights across a number of jurisdictions.
- Differentiate between legal enforcement and the practice of IP enforcement in a transnational context.
- Distinguish between the various mechanisms available internationally to protect IP rights.
- Critique the protection of IP rights with a modern technologically advanced global environment.

Affective (Attitudes and Values)

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

- 1) Challenge the competing moral, economic and social justifications for the recognition of intellectual property rights and the limitation of those rights.
- 2) Appreciate the ways in which law can impact upon both creators and users of ideas.

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

This module will introduce students to contemporary challenges in the field of intellectual property law through lectures 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 laws governing intellectual property law in Ireland and the complex debate which surrounds the protection of intellectual property worldwide, the module aims to develop UL graduate attributes. Students will become more knowledgeable about the protections afforded to owners of intellectual property and the limitations on those rights. Through tailored tutorials and assessment mechanisms and particularly through the use of group work, 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.

Semester - Year To Be First Offered:

Spring - 09/10

Academic Instruments:

- 40% group presentation.
- 60% individual essay assignment

- Repeat Assessment is through a closed book examination. Two Hours, five questions, attempt 3. All questions carry equal marks. 100% of final grade.

Module Leader:

Eimear.Spain@staffmail.ul.ie

Module: LA6121 - Law of the European Convention of Human Rights

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 the role and functioning of the principal element in the Council of Europe's framework for human rights protection, through critically engaging with the underpinnings of the Convention and the vast body of Strasbourg case law.

Syllabus:

The module will explore the influence and progress of the most developed regional mechanism for human rights protection. Convention rights will be examined on an article by article basis providing for a critical assessment of the development of each right and its treatment by the European Court of Human Rights. At the end of the course, students will be familiar with the articles and case law of the European Convention on Human Rights, and the additional Protocols and will have gained a comprehensive understanding of the practice and procedure of the European Court on Human Rights.

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 Convention on Human Rights, and its additional protocols; Explain the practice and procedure of the European Court of Human Rights; Differentiate between positive and negative rights under the Convention; Appraise the impact of the incorporation of the European Convention on Human Rights into domestic legal systems; Revise existing literature on the development of Strasbourg case law, and its influence on the legal development of Contracting States; Evaluate the contribution of the European Convention on Human Rights system to the protection and promotion of human rights at a regional level.

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:

3. Cases will be presented by nominated students (the Presenters)

4. 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:

Ovey, Clare and White, Robin: *Jacobs and White: The European Convention on Human Rights* (4th edition Oxford, OUP 2006),

Mowbray, A. R. *Cases, materials, and commentary on the European Convention on Human Rights* (3rd edition Oxford, OUP 2012)

Other Relevant Texts:

Further materials are recommended in lectures.

Programme(s) In Which This Module Is Offered:

MAHRCJTFA-Human Rights in Criminal Justice

MAHRCJTPA-Human Rights in Criminal Justice

MLECLATFA-European and Comparative Law

MLECLATPA-European and Comparative Law - Part Time

MLLAGETFA-(General)

MLLAGETPA-(General) P/T

Semester - Year To Be First Offered:

Autumn - 09/10

Academic instruments:

20% Presentation; 80% Essay

Module Leader:

Andrea.Ryan@staffmail.ul.ie

Module: LA6142 - Policing and Human Rights

Hours Per Week

Lecture: 3

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 Texts:

Semester - Year to be First Offered:

Spring - 09/10

Academic Instruments:

Class Participation 10%

Group Presentation 40%

End of Semester Essay 50%

Module Leader:

Connie.Healy@staffmail.ul.ie