



University of the
West of England

CORPORATE AND ACADEMIC SERVICES

MODULE SPECIFICATION

| Part 1: Basic Data | | | | | |
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| Module Title | Law and Expert Evidence | | | | |
| Module Code | UJUUSD-30-2 | Level | 2 | Version | 1.2 |
| Owning Faculty | FBL | Field | Law Undergraduate | | |
| Contributes towards | BSc Forensic Science; BSc Forensic Science (Biology); BSc Forensic Science (Chemistry) | | | | |
| UWE Credit Rating | 30 | ECTS Credit Rating | 15 | Module Type | Standard |
| Pre-requisites | None | | Co- requisites | None | |
| Excluded Combinations | None | | Module Entry requirements | n/a | |
| Valid From | September 2013 | | Valid to | | |

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| CAP Approval Date | 1/5/12 |
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| Part 2: Learning and Teaching | |
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| Learning Outcomes | <p>On successful completion of this module students will be able to:</p> <ol style="list-style-type: none"> 1. Understand the UK's civil and criminal justice systems including what constitutes legal authority, to undertake basic legal analysis of those authorities; and to be able to distinguish between the different processes and requirements of civil and criminal litigation procedures (components A & B); 2. Understand the roles undertaken by forensic experts and the relevance of scientific issues to the justice system, with critical evaluation of the key arguments and issues in relation to the role of the expert witness at each stage of the criminal & civil litigation process using discipline-specific examples (components A & B); 3. Understand issues of scientific methodology relevant to expert evidence, identifying when these methods of analysis are appropriate and to understand the legal, scientific and contextual aspects of the use of expert evidence in court including issues of methodology and the impact of these issues on the justice systems (components A & B); |

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| | <p>4. Critically evaluate the role of the expert in these contexts via evaluation of the legal and scientific framework controlling the use of expert evidence and the process that occurs in identifying and addressing a miscarriage of justice and/or a successful appeal and to critically evaluate whether the justice system deals effectively with such situations (component B);</p> <p>5. Critically evaluate and synthesise legal and scientific material in a manner that explains the points of similarity and difference in relation to how these types of material are understood by the legal and scientific communities respectively (components A & B);</p> |
| <p>Syllabus Outline</p> | <p>All aspects of the syllabus will be taught in a manner appropriate and specific to the subject-specialisms within the relevant degree programme. This will be achieved by a teaching style utilising subject-specific scientific and legal practice perspectives to illustrate the core legal and scientific materials and issues.</p> <p><u>Introduction to law:</u> An introduction to legal language and the common law system, explanation of the way in which cases are cited, the distinction between civil and criminal law, an introduction to the court structure and sources of law. Primary and secondary sources of law are explained and distinguished.</p> <p><u>The Criminal and Civil Justice Systems:</u> A critical explanation of the concept of justice in the criminal and civil systems. A critical evaluation of the use of science and experts in this process and an overview of relevant points of theoretical and evaluative critique of the process of justice in both systems and whether 'justice' can be said to be achieved. Introduction to the issues that have been identified in case law with expert evidence and the involvement of the LC.</p> <p><u>The Expert in the Criminal and Civil Justice Systems:</u> A detailed, critical examination of the modern criminal and civil justice system, and the significance of their adversarial nature. This includes tracing its development and tracing the use of experts through this development. Equity and common law civil and criminal remedies are explained and analysed in the context of the concept of 'justice'. Plurality of meaning and viewpoints in relation to the nature, meaning and use of experts is introduced.</p> <p><u>The Expert Giving Evidence in Court:</u> Includes a critical introduction to the use of forensic expert evidence in the criminal justice system and a comparative analysis of forensic and non-forensic expert evidence, and its use in the adversarial system. It also includes explanation of the interface between criminal and civil legal process and how the use of expert evidence may be used by either or both. The course leads on to discussion of the factors driving criminal prosecution and civil litigation including public policy issues particularly as they relate to the use of experts and finishes with a critical evaluation of the Law Commission Review and recommendations into the use of expert evidence in the criminal justice system and the recommendations for change.</p> <p><u>Specific Issues relating to Expert Evidence:</u> The content of this part of the course may change from year to year to ensure material is topical and relevant to forensic students. The issues envisaged are those raised in the LCR, miscarriages of justice involving expert evidence, topical issues as they arise involving complex issues of scientific methodology in the context of expert evidence, expert evidence and moral considerations, the points of difference and similarities between the concerns of the legal and scientific communities in relation to the use of expert evidence in the civil and criminal UK justice systems.</p> <p><u>The Context, Methodology and Impact of Expert Evidence:</u> This element enables science students to place into context the relevance and importance of expert evidence and its particular role in relation to miscarriages of justice. The impact and process of resolving miscarriages of justice is considered including contextual</p> |

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| | <p>evaluation and consideration of the social, political, ethical, scientific and legal considerations in relation to problematic types of expert evidence and their presentation in court. Issues of methodology and consequences of expert evidence involving uncertain methodologies are considered from a scientific and legal perspective.</p> |
| Contact Hours/Scheduled Hours | <p>Module delivery will be based on a combination of weekly two hour lectures, two hour workshops, student demand led support sessions, and online support. The ratio of lectures to workshops may alter within the constraints of minimum contact hours to best suit the needs of the students.</p> |
| Teaching and Learning Methods | <p>Teaching will be delivered by two hour lectures, two hour workshop sessions and individual student support sessions. In the lectures, emphasis is placed on providing the student with the opportunities to question, understand, analyse and evaluate the law and associated issues in their historical, practical, academic and social contexts. In addition there may be multiple choice tests, with answers via Blackboard to support student learning and to provide regular feedback. Clicker tests may also be used during lectures as a means of formative assessment.</p> <p>It is not necessarily envisaged that every topic in the syllabus will be covered in any one academic year but the selection will give students a necessary and relevant overview of the most pertinent issues in any year which may reflect the changing legal environment in which context the course is delivered.</p> <p>Lectures and workshops are designed to communicate the principal features of a topic, including its major principles, rules, concepts, relationships and values; to stimulate interest in the topic and provide student discussion of alternative views; and to provide other information necessary to facilitate its further study, including updating materials on a regular basis.</p> <p>In most cases there is no expectation of in-depth preliminary work for lectures, although students may be given directed preliminary reading from recommended texts. From time to time, material may be also given out in advance so as to provide the basis for detailed discussion of topics in workshops.</p> <p>Attendance at a Crown Court and Magistrates Court forms the independent learning component of this module. Students will be expected to pursue independent and directed study between class contact sessions. Students will be encouraged regularly to attend court and to engage with current legal and forensic related news items.</p> <p>There is a scheduled taught research skills session which introduces non-law students to the availability of online and paper law resources, including instruction on how to access and work with these resources. Access to a series of online tutorials and tests to informally practice and assess competence in this area is provided.</p> |
| Key Information Sets Information | <p>Key Information Sets (KIS) are produced at programme level for all programmes that this module contributes to, which is a requirement set by HESA/HEFCE. KIS are comparable sets of standardised information about undergraduate courses allowing prospective students to compare and contrast between programmes they are interested in applying for.</p> |

| Key Information Set - Module data | | | | |
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| <i>Number of credits for this module</i> | | | | 30 |
| Hours to be allocated | Scheduled learning and teaching study hours | Independent study hours | Placement study hours | Allocated Hours |
| 300 | 72 | 228 | 0 | 300 |

The table below indicates as a percentage the total assessment of the module which constitutes a -

- Written Exam:** Unseen written exam, open book written exam, In-class test
- Coursework:** Written assignment or essay, report, dissertation, portfolio, project
- Practical Exam:** Oral Assessment and/or presentation, practical skills assessment, practical exam

Please note that this is the total of various types of assessment and will not necessarily reflect the component and module weightings in the Assessment section of this module description:

| Total assessment of the module: | |
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| Written exam assessment percentage | 40% |
| Coursework assessment percentage | 50% |
| Practical exam assessment percentage | 10% |
| | 100% |

Reading Strategy

Relevant reading material will be identified in the lecture and seminar materials, including textbooks and more specialists books; legal, socio-legal and forensic science-derived academic journals, and information on Blackboard.

Essential reading

Course Handbook, handouts and Powerpoints.

Indicative Reading List

- Holland, J. & Webb, J. (2013) Learning Legal Rules, OUP, Oxford
- Keane, A., Griffiths, J. and McKeown, P. (2010) The Modern Law of Evidence 8th Ed., OUP, Oxford (aimed at lawyers and law students, this gives students an insight into how lawyers work with evidence in the criminal and civil justice systems)
- Redmayne, M. (2001) Expert Evidence and Criminal Justice (Oxford Monographs on Criminal Law and Justice) OUP, Oxford (provides a thorough and critical overview of the position before the line of miscarriages of justice occurred that gave rise to the Law Commission Review. Relevant as contextual background reading to the course)
- Redmayne, M. and Ashworth, A. (2005) The Criminal Process 3rd Ed., OUP, Oxford

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| | <ul style="list-style-type: none"> • Saferstein, R. (2001) Introduction in Criminalistics: An Introduction to Forensic Science 7th Ed. Prentice Hall, New Jersey, USA (A particularly relevant overview and critique in the introduction) • The Law Commission (LAW COM No 190) (2009) The Admissibility of Expert Evidence in Criminal Proceedings in England and Wales - A New Approach to the Determination of Evidentiary Reliability, Consultation Paper No 190, 7 April 2009, HMSO, London • The Law Commission (LAW COM No 325) (2011) Expert Evidence in Criminal Proceedings in England and Wales, 21st March 2011 HMSO, London • Ministry of Justice (2013) <i>The Government's response to the Law Commission report: "Expert evidence in criminal proceedings in England and Wales" (Law Com No 325)</i>, 21 November 2013 |
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| Part 3: Assessment | | |
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| Assessment Strategy | <p>This module will be assessed by the following components:</p> <p>Component A Unseen 2 hour exam weighted at 40% of the overall module mark.</p> <p>Component B1 Coursework which will be a research project investigating an aspect of the use of experts in court, weighted at approx. 50% of the overall module mark.</p> <p>B2 – This is a presentation based on the court visits and production of stamped court forms to evidence the visits weighted at 10% of the overall module mark.</p> | |
| Identify final assessment component and element | Component B2 | |
| % weighting between components A and B (Standard modules only) | A: | B: |
| | 40% | 60% |
| First Sit | | |
| Component A (controlled conditions) Description of each element | Element weighting | |
| 1. 2 hour examination | 100% | |
| Component B Description of each element | Element weighting | |
| 1. Research project (maximum 3,000 words excl. footnotes) | 83% | |
| 2. This is a presentation based on the court visits and production of stamped court forms to evidence the visits. | 17% | |

| Resit (further attendance at taught classes is not required) | |
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| Component A (controlled conditions) Description of each element | Element weighting |
| 1. 2 hour examination | 100% |
| Component B Description of each element | Element weighting |
| 1. Research project (maximum 3,000 words excl. footnotes) | 83% |
| 2. This is a presentation based on the court visits and production of stamped court forms to evidence the visits. | 17% |
| If a student is permitted an EXCEPTIONAL RETAKE of the module the assessment will be that indicated by the Module Description at the time that retake commences. | |