Module Specification

Law, Experts and Justice

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Contents

Part 1: Information

Module title: Law, Experts and Justice

Module code: UJUUKM-30-2

Level: Level 5

For implementation from: 2023-24

UWE credit rating: 30

ECTS credit rating: 15

Faculty: Faculty of Business & Law

Department: FBL Dept of Law

Partner institutions: None

Delivery locations: Not in use for Modules

Field: Law Undergraduate (Programmes)

Module type: Module

Pre-requisites: None

Excluded combinations: None

Co-requisites: None

Continuing professional development: No

Professional, statutory or regulatory body requirements: None

Part 2: Description

Overview: Not applicable

Features: Not applicable

Educational aims: See Learning Outcomes

Outline syllabus: 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.

Introduction to law:

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.

The Criminal and Civil Justice Systems: A critical explanation of the concept of justice in the criminal and civil systems. A critical evaluation of the use of computing experts and experts generally 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.

The Expert in the Criminal and Civil Justice Systems:

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. The rise of the computing expert is explained and a parallel is drawn with the rise of data-basing and the surveillance agenda. Privacy and Data Protection theory and law are considered in the context of the jurisprudence concerning forensic computing evidence.

The Expert Giving Evidence in Court:

Includes a critical introduction to the use of expert evidence in the criminal justice system and a comparative analysis of forensic and computing related 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. Discussion of public policy in relation to computing related issues and how the UK's justice bodies have used technology and technological experts in relation to successful and unsuccessful prosecutions.

Specific Issues relating to Expert Evidence:

The content of this part of the course may change from year to year to ensure material is topical and relevant to forensic computing 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, scientific and computing communities in relation to the use of expert evidence in the civil and criminal UK justice systems. Issues of the inter-relation between computing technology and the subject matters of computing evidence (e.g. pornography, sensitive information, child abuse etc.) as it impacts on the legal system, the media, politically and publicly are considered. The use of computing experts at the investigative stages of the justice system and the trial stage is separated and considered separately. Investigating allegations and the rights of the suspect are covered.

The Context, Methodology and Impact of Expert Evidence:

This element enables forensic computing students to place into context the relevance and importance of expert evidence and its particular role in relation to miscarriages of justice and problematic investigations. Areas of potential controversy, particularly where computing experts have commented both in court and to government are explained and critiqued. The impact and process of resolving

miscarriages of justice is considered including contextual 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. The future for computing experts is discussed.

Part 3: Teaching and learning methods

Teaching and learning methods: Module delivery will be based on a combination of weekly two hour lectures and fortnightly two hour workshops (semester one) and weekly two hour workshops (semester two), 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.

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.

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.

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.

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.

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.

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.

Module Learning outcomes: On successful completion of this module students will achieve the following learning outcomes.

MO1 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

MO2 Understand the roles undertaken by forensic computing experts, other experts and the relevance of computing 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 civil and criminal litigation processes, using discipline-specific examples

MO3 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

MO4 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

MO5 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

Hours to be allocated: 300

Contact hours:

Independent study/self-guided study = 228 hours

Face-to-face learning = 72 hours

Total = 300

Reading list: The reading list for this module can be accessed at readinglists.uwe.ac.uk via the following link https://uwe.rl.talis.com/modules/ujuukm-30-2.html

Part 4: Assessment

Assessment strategy: This module will be assessed by the following assessments:

Assessment Task 1: Online examination (40% of module mark)

Online exam to be completed within a 24 hour window   It will include multiple choice questions and a choice of 2 out of 4 short essay questions (up to 1500 words in total)

Written assignment (60 % of module mark):

Assessment Task 2: A research project investigating an aspect of the use of experts in court (50% of module mark)

Assessment Task 3: A report of courtroom scenarios based on live or recorded versions of court proceedings (10% of module mark)

Assessment components:

Examination (Online) (First Sit)
Description: Online examination - (MCQs and up to 1500 words)
Weighting: 40 %
Final assessment: No
Group work: No
Learning outcomes tested: MO1, MO2, MO3, MO5

Project (First Sit)
Description: Research project (maximum 3,000 words excl. footnotes)
Weighting: 50 %
Final assessment: Yes
Group work: No
Learning outcomes tested: MO1, MO2, MO3, MO4, MO5

Report (First Sit)
Description: Report of courtroom scenarios (maximum 1,000 words excl. footnotes)
Weighting: 10 %
Final assessment: No
Group work: No
Learning outcomes tested: MO1, MO2, MO3, MO4, MO5

Examination (Online) (Resit)
Description: Online examination (MCQs and up to 1500 words)
Weighting: 40 %
Final assessment: No
Group work: No
Learning outcomes tested: MO1, MO2, MO3, MO5

Project (Resit)

Description: Research project (maximum 3,000 words excl. footnotes)

Weighting: 50 %

Final assessment: Yes

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4, MO5

Report (Resit)

Description: Report of courtroom scenarios (maximum 1,000 words excl. footnotes)

Weighting: 10 %

Final assessment: No

Group work: No

Learning outcomes tested: MO1, MO2, MO3, MO4, MO5

Part 5: Contributes towards

This module contributes towards the following programmes of study:

Cyber Security and Digital Forensics [NepalBrit] BSc (Hons) 2022-23

Forensic Computing and Security {Dual} [Mar][FT][Taylors][3yrs] - Not Running BSc (Hons) 2022-23

Forensic Computing and Security {Dual} [Aug][FT][Taylors][3yrs] - Not Running BSc (Hons) 2022-23

Cyber Security and Digital Forensics [Frenchay] BSc (Hons) 2022-23

Cyber Security and Digital Forensics {Foundation} [Sep][SW][Frenchay][5yrs] BSc (Hons) 2021-22

Cyber Security and Digital Forensics {Foundation} [Sep][FT][Frenchay][4yrs] BSc (Hons) 2021-22

Computer Security and Forensics {Foundation} [Feb][FT][GCET][4yrs] BSc (Hons) 2021-22

Computer Security and Forensics {Foundation} [Oct][FT][GCET][4yrs] BSc (Hons)
2021-22