

**Module** : **Introduction to Law**

**Theme** : **Principles of Law**

**Credit Points** : **7.5**

### **Aims**

- To familiarize students with the court structure, and the different jurisdictions of the courts.
- To provide students with knowledge of decision making processes, and the traditional and alternative fora for the resolution of disputes and appreciation of the historical development of the law
- To introduce students to the concept of legal reasoning and the doctrine of precedent.
- To develop students' ability to interpret legislation and court judgments

### **Syllabus**

#### Introduction to the Irish Legal System

- The concept of law
- A Common Law system
  - Hierarchy of Courts
  - The Doctrine of Precedent
  - The reasonably accurate and reliable recording of judgments
- Sources of Law
  - Primary Sources
  - Secondary Sources
- The Rule of Law

#### Historical Development of the Irish Legal System

- The Brehon Law
- The arrival of English law in Ireland
- The Institutions of the State in the UK, 1800 – 1922
- The Free State
- The 1922 Constitution
- The 1937 Constitution

#### The Courts System, the Judiciary and the Administration of Justice

- The Administration of Justice in Courts
- The Administration of Justice in Public
  - *In Camera* proceedings
- The Irish Courts System – Judicial Composition and Structure

- Courts Officers and Administration
- First Instance Jurisdiction
  - Civil Jurisdiction
  - Criminal Jurisdiction
- Civil and Criminal Court Procedure
  - Civil Procedure
  - Criminal Procedure
  - Court Procedures and the rules of Evidence
  - Judge and Jury, An Introduction
- Appellate Jurisdiction
  - Civil Cases
  - Criminal Cases
  - Proposed Reform

#### The Doctrine of Precedent

- *Stare Decisis*: the basic concept
- *Stare Decisis* in the Irish Courts
- *Ratio Decidendi*
- *Obiter Dictum*

#### Legislative Interpretation

- The primary approaches
- Interpretive Aids

#### Enforcement of Judgments

- Execution
- Judgment Mortgages
- Garnishee
- Receiver by way of equitable execution
- Instalment and examination orders
- Attachment and committal
- Miscellaneous
- Legal Costs
- Ethics and the code of conduct

#### International Law

- International Law as law?
- Sources of International Law
- The creation of inter-state obligations
- Monism and dualism
- The Council of Europe
- The United Nations
- The European Union
- The World Trade Organisation
- Private International Law

## **Workload**

Contact	60 hours
Directed Learning Time	50 hours
Independent Learning Time	25 hours
Assessment Time	15 hours
Total	150 hours

## **Teaching and Learning Methods**

Teaching will be based on formal and participative lectures and occasional seminars. Students will be expected to prepare for these seminars by way of directed reading and analysis of questions provided. Students will also be required to attend court proceedings in order to observe the law in action.

### *Integration and Linkage*

This module underpins the students' whole study of law. Having completed this module, students will have an understanding of the wider environment in which the legal principles they learn will operate. This module is therefore closely linked to all other law modules throughout the programme.

## **Learning Outcomes**

On module completion the student shall be able to:

- Explain and identify the main characteristics of a common law system
- Clearly trace the historical development of the Irish legal system
- Discuss the doctrine of precedent and its importance within the Irish legal system
- Interpret and analyse legislation and case law
- Engage in comparative analyses of Irish and international legal standards
- Recount the civil and criminal jurisdictions of the different courts
- Trace the processing of a civil or criminal procedure from initiation to completion
- Describe the principal rules of practice and procedure for civil and criminal proceedings.

## **Assessment**

This module will be assessed by means of a piece of coursework constituting 30% of the marks for this module, and an examination constituting 70% of the marks for this module. The coursework will generally engage students in an analysis of some of the main features of the Irish legal system. The examination will take the form of a traditional closed-book examination, and be constituted by a mixture of descriptive and analytical essay-style questions, and practical questions requiring problem solving skills and the application of knowledge acquired to factual scenarios. In addition, students will

be required to demonstrate the skills that they have learned as part of the module i.e. the identification of the ratio of court decisions.

### **Reading List**

#### *Essential*

Byrne & McCutcheon, *The Irish Legal System*, 4<sup>th</sup> Edition, (2001, Dublin: Butterworth LexisNexis)

Murdoch, *A Dictionary of Irish Law*, 3<sup>rd</sup> Edition, (2000, Topaz Publications)

O'Malley, *Sources of Law*, 2<sup>nd</sup> Edition, (2001, Dublin; Round Hall Sweet & Maxwell)

Doolan, *Principles of Irish Law*, 6<sup>th</sup> Edition, (2003, Dublin; Gill and MacMillan)

#### *Recommended*

Buckley, *Civil Procedure and Practise: An Introduction*, (2004, Dublin; Thompson Round Hall)

Byrne & Binchy, *Annual Reviews of Irish Law* (Round Hall, 1987 -)

Glanville, *The Enforcement of Judgments*, (1999, Dublin; Round Hall)

#### *Journals*

Bar Review

Dublin University Law Journal

Hibernian Law Journal

Irish Jurist

Irish Law Times

Law Society Gazette

Practice and Procedure

Independent Law Review