

## Samantha Fairclough

Doctoral researcher

**[Birmingham Law School \(/schools/law/index.aspx\)](/schools/law/index.aspx)**

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### About

Title of thesis: **The Potential for Miscarriages of Justice to Occur as a Result of Non-defendant Witness Biased Evidence Laws**

Supervisors: **[Dr Imogen Jones \(/staff/profiles/law/jones-imogen.aspx\)](/staff/profiles/law/jones-imogen.aspx)** and **[Professor Hilary Sommerlad \(/staff/profiles/law/sommerlad-hilary.aspx\)](/staff/profiles/law/sommerlad-hilary.aspx)**

Funding: ESRC

### Qualifications

- LLB (Hons) Law with Criminology (University of Manchester)
- MRes Criminology and Socio-legal Studies (University of Manchester)

### Biography

Throughout my undergraduate degree my interests were firmly rooted in the more socio-legal and criminological modules that I studied; particularly in issues arising from debates around criminal law, criminal evidence and criminal justice. Following the completion of a criminal evidence module, I became increasingly interested in the treatment of witnesses throughout criminal trials and the conceptualisation of miscarriages of justice.

### Research

My research seeks to examine whether the unequal treatment of parties to the proceedings during criminal trials could be a potential cause of miscarriages of justice. Many rules of evidence apply unequally to defendant and non-defendant witnesses; provisions for examination here including those regulating the admissibility of bad character and the use of special measures in court. These will be considered in light of the due process principles that have traditionally underpinned such rules; including, primarily, the presumption of innocence and commitment to the equality of arms.

This will be completed in accordance with a rights based model of miscarriages of justice that highlights injustice as stemming from inherent failures in the law to protect the rights of individuals. It will feature an examination of the context in which reforms to the law were made and the effect that these have been having in court. This will be completed by documentary analysis of policy documents and case law and accompanied by data from qualitative interviews with legal professionals.

### Other activities

Links to the legal profession are being facilitated by CEPLER, No5 Chambers having agreed to collaborate with the Law School.

Student rep for PGCARMS SSLC and the Law PGR Board

Part of a University Outreach programme delivering a workshop to groups of school children attending campus called 'Could you give Evidence in Court,' looking at the provision of special measures to victims and witnesses in court.

Member of the Organising Committee for the Birmingham Law School PGR Conference 'Transcending Boundaries in the Law'

Chair of the Organising Committee for the 3rd annual Midlands DTC ESRC Conference 'Research Matters'

Presentation at Cork's PGR conference 'Justice and Dignity under Challenge' - 'Unequal Justice? Examining the availability of special measures to defendant and non-defendant witnesses'