

EVIDENCE

LAWS 2008

2010/2011

Elaine Craig

Tel: 494-1024

Office: 319

Email: elaine.craig@dal.ca

Office Hours: Thursdays 1:00 to 3:00

REQUIRED MATERIALS

Delisle, Stuart and Tanovich, *Evidence: Principles and Problems*, 9th ed. (Toronto: Carswell, 2010), available in Bookstore

Supplementary Materials, 2010-2011, available in Materials Room

Canada Evidence Act, available in Materials Room; also in back of Criminal Code

Criminal Code

EVALUATION

100 percent, 3-hour, semi-closed-book examination

You may bring into the exam:

- one letter size piece of paper, with notes typed **ON ONE SIDE ONLY** in 12 point font (or hand written on one side only)
- 'Clean copies' of the Canada Evidence Act, Criminal Code

CLASS SCHEDULE:

FALL: WEDNESDAYS 11:00 – 12:50 ROOM 304

WINTER: WEDNESDAYS 2:30 – 4:20 ROOM 204

PLAGIRISM:

All students in this course must read

- the University policies on plagiarism and academic honesty referenced in the Policies and Student Resources sections of the plagiarism.dal.ca website, and
- the Law School policy on plagiarism, as set out in the law school regulations (available in hard copy from the Associate Dean's office and online at http://law.dal.ca/Current_Students/Course_Selection_Materials/Regulations_Handbook/index.php)

Any paper or assignment submitted by a student at Dalhousie Law School may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above.

Ignorance of the policies on plagiarism will not excuse any violation of those policies.

ACCOMMODATION

Students seeking special accommodation with regard to course evaluation, such as exam deferral and extensions to deadlines, should consult with Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes as soon as possible, and before an exam is scheduled to be written or an assignment is due. Requests for special accommodation for reasons such as illness or personal circumstances will require an application to the Law School Studies Committee. Students should contact Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes if they require more information about the Studies Committee process. Students wishing to discuss arrangements for classroom assistance should see Professor Wildeman, the law faculty advisor to students with disabilities.

Students may request accommodation as a result of barriers related to disability, religious obligation, or any characteristic under the Nova Scotia Human Rights Act. Students who require academic accommodation for the writing of tests, quizzes and exams should make their request to the Office of Student Accessibility & Accommodation (OSAA) prior to or at the outset of each academic term (with the exception of X/Y courses). Please see www.studentaccessibility.dal.ca for more information and to obtain Form A – Request for Accommodation. Students may also contact the Office of Student Accessibility & Accommodation directly at 494-2836, and they may contact Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes for more information.

PRELIMINARY READING ASSIGNMENTS

FALL Term:

Sept 8 – Introduction, Basic Concepts - Supp. 1(1)

Sept 15 – Basic Concepts **READ: Supp. 1(2), 1(3)**

Sept 22 – Burden/Standard of Proof, Presumptions **READ: Supp. 2(1)**

Sept 29 – Shortcuts to Proof/Types & Methods of Proof **READ: Supp. 2(2) and Supp. 3**

Oct 6 – Types & Methods of Proof (contin.)/Competence and Compellability
READ Supp. 4 & Supp. 5(1)(2)

Oct 13 – Comp & Comp (contin)/Witnesses **READ: Supp.5(3)(4) & 6(1)(2)**

Oct 20 – Examination of Witnesses (contin) **READ: Supp. 6(3)(4)(5)**
including *R v Wilson, R v Kusk, and R v Krause*

Oct 27 – Opinion Evidence **READ: Supp. 7(1)(2)**

Nov 3 – Opinion Evidence (contin) **READ: Supp. 7(3)(4)(5)**

Nov 10 – Character Evidence **READ: Supp. 8(1)(2)(3) (incl Mohan in Supp)**

Nov 17 – Character Evidence (contin) **Read: Supp. 8(4)(5)**

Nov 24 – Credibility **Read 9(1) to (7)**

Dec 1 – Review Problems

Winter Term:

Jan 5 - Credibility (contin) **READ: Supp. 9(8)(9)(10)**

Jan 12 - Hearsay Introduction **Read: Supp. 10**
Hearsay Exceptions **Read: Supp. 11(1)(2)**

Jan 19 – Hearsay Exceptions **READ: Supp. 11(3)(4)(5)(6)(7)(8)**

Jan 26 – Hearsay Exceptions **READ: Supp. 11(9)(10)**

Feb 2 – Hearsay Exceptions **READ: Supp. (11)(12)(13)**

Feb 9 – Confessions **READ: Supp. 12(1)(2)(3)(4)(5)**

Feb 16 – TBD

Mar 2- Section 24(2) **READ: Supp. 13**

Mar 9 – Privilege **READ: Supp. 14(1)(2)(3)**

Mar 16 – Privilege **READ: Supp. 14 (4)(5)(6)**

Mar 23 – Privilege **READ: Supp. 14(7)(8)(9)**

Mar 30 – Review Class

April 18 – **EXAM; 9:30 AM**