

## **EVIDENCE (LAWS 2008 01)**

August 25, 2018

### **Fall Term 2018**

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Office Hours: After class; other times by appointment (*via* e-mail best)

#### **CLASS SCHEDULE:**

Monday 1700-1900 (room 104), Friday 0830-1030 (room 305)

#### **THE COURSE:**

My teaching style is a combination of lecture and Socratic methods with equal emphasis on theory and practice. I will focus on the law of evidence as it relates to criminal proceedings using the following text: Delisle, Stuart, Tanovich & Dufraimont *Evidence: Principles and Problems*, 12<sup>th</sup> ed. (Toronto: Carswell, 2018), available in the Bookstore.

Among other things, the final examination will test your ability to apply the law to a set of facts – the best way to do this is to read materials in advance of class and be prepared to participate in the discussions. The examination draws on both the readings and class sessions. However, note that I do not cover all of the material in the readings in class. I am happy to address questions you may have about the readings – either in class or during an office meeting, at breaks, etc.

**Please note that it is my expectation that you have read the materials and digested the cases in advance of class. The lectures are structured around that expectation.**

Evidence can be a challenging course in law school. The readings are heavy and the challenges of the course can increase exponentially if you do not have a firm understanding of the course material as we progress. Do not fall behind in the readings. If you do not understand a concept, ask for an example of how the concept applies or do some on-line research. For example, many leading cases have been applied, considered or distinguished in other cases. Noting up leading cases can be one of the most effective ways to understand the law of evidence and is, in any event, an essential practice skill.

At times, I will display documents, photographs, etc. – evidence from real cases – as part of the lectures. Although redacted, these items do not circulate.

I use email to communicate with students. You are expected to maintain your Dalhousie email account so as to receive communications.

#### **EVALUATION:**

100%, 3.5-hour, semi-closed-book examination. Please see the instructions from past examinations which details the permitted materials, the “cheat sheet”, etc.

## PRELIMINARY CLASS SCHEDULE

Sept. 7	Introduction – Read and digest (facts, issue, decision, reasoning) <i>R. v. Seaboyer</i> , <i>R. v. Grant</i> and <i>R. v. Hunter</i> (skip <i>R. v. Hart</i> ) pages 179-190 of Delisle
Sept. 10	Basic Concepts: Supp. 1 (1) <sup>1</sup>
Sept. 14	Basic Concepts: Supp. 1 (2) to (3)
Sept. 17	Burden/Standard of Proof, Presumptions: Supp. 2
Sept. 21	Shortcuts to Proof: Supp. 3
Sept. 24	Types and Methods of Proof: Supp. 4; Competence and Compellability: Supp. 5 (1)
Sept. 28	Competence and Compellability: Supp. 5 (2) to (4); Witnesses: Supp. 6 (1) to (2)
October 1	Witnesses: Supp. 6 (3) to (7)
October 5	Opinion: Supp. 7 (1) to (2)
<b>October 8</b>	<b>Thanksgiving – University Closed</b>
October 12	Opinion: Supp. 7 (3) to (4); Character: Supp. 8 (1)
October 15	Character: Supp. 8 (2) to (5)
October 19	Character: Supp. 8 (6) to (9)
October 22	Credibility: Supp. 9 (1) to (7)
October 26	Credibility: Supp. 9 (8) to (10)
October 29	Hearsay: Supp. 10
November 2	Hearsay Exceptions: Supp. 11(1) to (5)
November 5	Hearsay Exceptions: Supp. 11(6) to (9)
November 9	Hearsay Exceptions: Supp. 11(10) to (13)
<b>November 12-16</b>	<b>Reading week</b>
November 19	Common Law Confessions: Supp. 12
November 23	Section 24(2): Supp. 13
November 26	Privilege: Supp. 14(1) to (4)
November 30	Privilege: Supp. 14(5) to (8)
Dec. 3	Wrap up, exam preparation
<b>Dec. 17</b>	<b>EXAM, 9:30 a.m.</b>

## OTHER MATTERS

### On-line Course Materials

Some of the materials required for this course are available on-line through Dalhousie's on-line course management software, Brightspace. If you have any questions regarding on-line course materials please contact Geordie Lounsbury in the Information Media Center.

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<sup>1</sup> The Supplement identifies the readings for each class.

**Please take note of the following policies and procedures:**

1. Student Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean, Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit [www.dal.ca/access](http://www.dal.ca/access) for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at (902) 494-2836.

Other links:

\* **General Academic Support – Advising Halifax:** [https://www.dal.ca/campus\\_life/academic-support/advising.html](https://www.dal.ca/campus_life/academic-support/advising.html)

\* **Fair Dealing Guidelines:** <https://libraries.dal.ca/services/copyright-office/guidelines/fair-dealing-guidelines.html>