

COURSE	LAW 309 Evidence
UNIT VALUE	1.5 Units (3 hours/week of class time)
INSTRUCTOR	Arthur McInnis, PhD
TERM OFFERED	Summer 2024
CLASS TIMES	See Schedule
PREREQUISITES/COREQUISITES	LAW 309 is a recommended prerequisite for LAW 350 Law Centre and preference in the lottery will be given to students that have completed this course LAW 309 is a required prerequisite for LAW 356 Advocacy LAW 309 is a recommended pre- or corequisite for LAW 355 Legal Skills

COURSE DESCRIPTION and INTENDED LEARNING OUTCOMES

This course will examine and review the rules of evidence within a broad social context and focus upon assigned problems to exemplify issues. It will examine the fundamental principles governing adducing of evidence within the adversarial framework of the common law. In the course, you will gain a critical appreciation of the burden of proof in criminal and civil cases, the rules governing the admissibility, and significantly the exclusion of evidence, the roles of the judge, parties and witnesses in trials. Students will be able to place the rules of evidence within their wider historical, social, and psychological contexts. The course will help you enhance your skills in case analysis, problem-solving, and legal research.

On successful completion of this course students should be able to:

- Understand the historical and societal context for the law of evidence
- Identify the principles comprising the law of evidence
- Describe how judges and juries admit, exclude and weigh evidence
- Explain the burden of proof in civil and criminal trials
- Analyze fact patterns to determine the admissibility of evidence
- Solve complex problems requiring application of the law of evidence in mainly criminal trials

METHODOLOGY

We will adopt a contextual approach that places the study of the rules of evidence in their historical context and critically examines their relevance and operation within contemporary society. Teaching will combine lecture, interactive and problem-based styles.

ASSESSMENT

Assessment for this course comprises of:

1. a take-home final examination over 72 hours (40%);
2. a case comment (40%); and
3. questions and problems assigned well in advance and then answered/presented in class (20%).

The examination will be completed during a 72-hour period according to the exam schedule. The format for the examination and a full set of instructions for its completion will be provided later in the course.

16 February 2024

¹ The information in this document is provided for course registration purposes only and is **subject to change**. More detailed course information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, the Manager, Academic Administration and Student Services (lawmaass@uvic.ca).