

**FACULTY OF LAW, UNIVERSITY OF VICTORIA  
SUMMER 2020 COURSE REGISTRATION - PRELIMINARY COURSE INFORMATION (PCIS)<sup>1</sup>**

<b>COURSE</b>	LAW 309 The Law of Evidence
<b>UNIT VALUE</b>	1.5 Units (3 hours of instruction per week)
<b>INSTRUCTOR</b>	Donna Greschner
<b>TERM OFFERED</b>	Summer 2021
<b>CLASS TIMES</b>	See schedule
<b>PREREQUISITES / COREQUISITES</b>	LAW 309 is a <b>required</b> prerequisite for LAW 350 Law Centre LAW 309 is a <b>required</b> prerequisite for LAW 356 Advocacy LAW 309 is a recommended pre- or corequisite for LAW 355 Legal Skills

### **OBJECTIVES AND COURSE DESCRIPTION**

The law of evidence provides the parameters for determining *facts* within the adjudicative process, and thus the manner in which the adjudicative process defines *truth*. These facts are the basis of findings of liability in civil and criminal proceedings, and rulings by administrative tribunals. Counsel must have an informed appreciation of the law of evidence, so that they can advise clients with respect to preserving evidence in anticipation of litigation and criminal proceedings, and properly use that evidence in subsequent proceedings.

Or, to put it another way, in the classroom when students learn legal rules and principles, and apply them to facts, those facts are 'given'. But, outside the classroom, facts must be 'determined'. How are facts determined? How should they be determined? Grappling with these foundational questions is the focus of this course. The importance of these questions cannot be overstated. Even if one plans never to step inside a courtroom or appear before an administrative tribunal, knowledge of the principles of evidence law is critical to understanding the legal system.

The objectives of this course are:

1. To introduce the substantive law of evidence and consider how the law of evidence is applied in practice;
2. To understand the strengths and weaknesses of different types of evidence;
3. To identify principles of fairness and conceptualizations of justice underlying the law of evidence; and
4. To explore issues of ethical responsibility related to finding, preserving and using evidence.

### **METHODOLOGY**

Instruction is comprised of lectures, skill development exercises and class discussion.

### **EXPECTED EVALUATION METHODOLOGY**

Students may write a final examination worth 100%, or elect a combination of final examination and short paper(s). The final examination will be a take-home exam of not more than 48 hours.

**Posted 25 February 2021**

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<sup>1</sup> 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](mailto:lawmaass@uvic.ca)).