

FACULTY OF LAW, UNIVERSITY OF VICTORIA
2010-11 COURSE REGISTRATION – PRELIMINARY COURSE INFORMATION¹

COURSE	Law 309 The Law of Evidence
UNIT VALUE	2.0 Units (4 hours per week)
INSTRUCTOR	Benjamin Berger
TERM OFFERED	Fall 2010
CLASS TIMES	See Schedule
PREREQUISITES/CO-REQUISITES	Required Course for LL.B. Students

DESCRIPTION

This course is an introduction to the law of evidence. The focus in the course is on the following topics:

1. Understanding the law of evidence as law's particular "way of knowing".
2. The way that the laws of evidence work in trial practice, as well as the historical, social, political, and legal context in which they operate.
3. The relationship between the laws of evidence and social justice, in particular the impact of the law of evidence on gender issues and Aboriginal justice.
4. The substantive law of evidence, including basic concepts such as relevance and admissibility, exclusionary rules based on unreliability and prejudicial effects, exclusionary rules based on policy rationales, and other aspects of proof.
5. The effect of the *Canadian Charter of Rights and Freedoms* upon the law of evidence.

OBJECTIVES

The Law of Evidence is a complex and rapidly changing area of law. As such, this course cannot be comprehensive in its scope, or in its treatment of any particular evidentiary issue. Instead, the objective of this course is to provoke interest in and engagement with this fascinating and critically important area of law and to provide students with a solid foundation in the Canadian law of evidence. In particular, students will:

1. become familiar with the rules and principles governing the adversarial trial process and the admissibility of evidence;
2. begin to appreciate law's very particular epistemology;
3. understand and assess various theories and perspectives on the purposes and functions of the law of evidence and on the competing interests that it serves;
4. appreciate the way in which the law of evidence is both *shaped by* context (historical, political, etc.) and *impacts upon* social context (esp. Aboriginal and gender issues);
5. gain an appreciation for the impact of the *Canadian Charter of Rights and Freedoms* upon the law of evidence.

METHODOLOGY:

Both lecture and discussion methods will be used. **Students are expected to:**

1. Have read the assigned materials prior to class;
2. Be able to *identify* and state the *issues* presented by the assigned materials; and
3. Participate in class discussion of the assigned materials and any exercises relating to the assigned materials. The purpose of the discussion is to develop an understanding of the issues presented by the materials; to develop the student's ability to analyze, synthesize, and present legal material; and to enable the instructor to gain a sense of the student's understanding of the materials and achievement of the objectives referred to above.

EVALUATION (likely)

1. Final Examination..... [100% or 60%]
 - If a student chooses to write the optional paper, the final examination will be worth 60% of the final mark.
2. Optional Written Assignment [40%]
 - Due in third month of term.
 - Students who opt for the written assignment will write the same final exam as the students who do not. This exam will, however, be worth only 60% of the final grade.

The final examination will be a limited open book format (i.e. students may bring in the required text, any relevant statutes, and any instructor handouts and student-prepared notes, but nothing else), sit-down exam.

April 7, 2010

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 of Academic Administration and Student Services (lawmaass@uvic.ca).