

Legal Profession Admission Board

September 2023

Evidence

Examiner's comments

General observations:

1. As with past examinations, all topics in the course were covered in the examination questions, but with an emphasis of Topic 8 onwards. In this regard, given that there was no choice of questions, it was important that candidates considered the full range of examinable topics covered in the course.
2. It was the expectation of the examiners that candidates not only identified the relevant issues in each question, but also cogently applied the principles from the cases and legislation and provided supported conclusions. Particularly as the examination was open book this semester, and because this is a later year subject.
3. 91 candidates sat the examination. Final marks were in the range 7 to 85. Six candidates were awarded a Pass Distinction grade, 20 candidates were awarded a Pass Merit grade and 47 candidates were awarded a Pass grade. The final marks and grades saw a very slight increase in the number of PDs and PMs, and a slight decrease in the failure rate compared to last semester, and there was some general improvements, but a number of papers still lacked sufficient effective analysis of the problems, as opposed to merely identifying the issues and stating the principles.
4. As the examination was a confidential examination, these comments cannot identify the specific issues in the questions.

Questions:

5. The examination comprised of two problem questions worth equal marks (40). Candidates were required to attempt both questions:
 - (a) Question 1 was a civil case and involved several issues, including: hearsay, privilege, tendency evidence, opinion evidence and proof.
 - (b) Question 2 was a criminal case and focused on illegally obtained evidence, questioning, hearsay, identification evidence, credibility evidence, opinion evidence and judicial directions.