

**Legal Profession Admission Board**  
**March 2021**  
**Evidence Law**  
**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. 140 candidates sat the examination. Final marks were in the range 7 to 78. Four candidates were awarded a Pass Distinction grade, 25 candidates were awarded a Pass Merit grade and 74 candidates were awarded a Pass grade. The final marks and grades saw a decrease in the failure rate compared to last semester, and there was some general improvement, 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, opinion evidence, admissions, tendency evidence and standards of proof.
    - (b) Question 2 was a criminal case and focused on competence of witnesses, warnings, relevance, hearsay, coincidence evidence, credibility evidence, opinion evidence and the right to silence in the face of questioning.
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