

Legal Profession Admission Board

September 2022

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. 101 candidates sat the examination. Final marks were in the range 12 to 76. Three candidates were awarded a Pass Distinction grade, 17 candidates were awarded a Pass Merit grade and 55 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

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 and standards of proof.
- (b) Question 2 was a criminal case and focused on competence of witnesses, warnings, relevance, hearsay, identification evidence, credibility evidence, opinion evidence and judicial directions.

Exam self-evaluation - Take-aways for students

Students are encouraged to consider the following points:

- Did I approach the open-book format in an honest and appropriate way?
 - Are the responses my own work?
 - Did I manage the time well?
 - Did I answer all required questions?
 - Did I address each point in each question?
 - Did I acquire enough knowledge in the course and considered it sufficiently prior to exam to be able to focus on critical thinking of each issue while responding to exam questions?
 - Did I focus on analysis, synthesis and evaluation rather than restatement of facts and information presented in the lectures and course materials?
 - Did I identify and apply the right legal principles?
 - Did I offer sufficient support to each argument and cite correct authorities?
 - Did I reach a conclusion on each issue identified and at the end of each response?
 - Where was my knowledge of this subject deficient?
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