730-457 Evidence and Proof

Credit Points:	12.50
Level:	3 (Undergraduate)
Dates & Locations:	2009, This subject commences in the following study period/s: January, - Taught on campus. Semester 1, - Taught on campus. Evidence and Proof will be taught intensively over the summer semester
Time Commitment:	Contact Hours: 3 hours per week or intensive. Total Time Commitment: 144 hours
Prerequisites:	Legal Method and Reasoning or equivalent.
Corequisites:	None
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry. It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: http://services.unimelb.edu.au/disability
Coordinator:	Assoc Prof Andrew James Palmer, Assoc Prof Jeremy Gans
Contact:	Summer Coordinator: Associate Professor Jeremy Gans Semester 1 Coordinator: Associate Professor Andrew Palmer
Subject Overview:	This subject is concerned with the way that lawyers analyse facts, and also with the legal rules that apply to their admissibility as items of evidence in legal cases. The subject deals with the factual analysis of evidence including formulating a theory of the case; describing the inferences relied upon; and assessing the quality of the proof. It also deals with central topics in the law of evidence, including relevance and discretionary exclusion; hearsay: the exclusionary rule and exceptions to the rule; opinion evidence; credibility evidence; evidence of other misconduct by the defendant; criminal investigation; and admissions.
Objectives:	On completion of this subject students completing should: understand the role played by evidence in litigation # have developed skills in the analysis of evidence # be familiar with the main sources, principles, techniques, terminology and concepts of the law of evidence in Australia and with the fundamental features of common law trials # have acquired a good working knowledge of the most important rules of evidence and an ability to apply those rules to diverse factual situations # be able to demonstrate the achievement of these objectives through the completion of a take home examination requiring analysis of a brief of evidence
Assessment:	Take-home exercise worth 100%. 5000 word limit. In semester, to be held from Thursday of Week 11 of semester through to the Monday of Week 12

Prescribed Texts:	A Palmer, Proof and the Preparation of Trials. Lawbook Co, 2003 J Gans & A Palmer, Australian Principles of Evidence . Cavendish, 2nd ed, 2004
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	On completion of this subject students should have further developed the following generic skills: # cognitive, analytic and problem-solving skills, in particular: # o skills of factual analysis # o logic and informal reasoning # o skills in applying the law of evidence to diverse and complex factual situations # ability and self-confidence to comprehend complex concepts, to express them lucidly, whether orally or in writing, and to confront unfamiliar problems # capacity for independent critical thought, rational inquiry and self-directed learning # extensive knowledge of the discipline of law, including legal knowledge and skills
Related Course(s):	Bachelor of Music and Bachelor of Laws