

LAWS30012 Evidence and Proof

Credit Points:	12.50
Level:	3 (Undergraduate)
Dates & Locations:	2011, Parkville This subject commences in the following study period/s: Semester 2, Parkville - Taught on campus.
Time Commitment:	Contact Hours: 36 hours. 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 requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: http://www.services.unimelb.edu.au/disability/ .
Coordinator:	Mr Andrew Roberts
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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: <ul style="list-style-type: none"> # 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%. 5,000 word limit. In semester, to be held from Thursday of Week 11 of semester through to the Monday of Week 12.
Prescribed Texts:	Gans & Palmer, Uniform Evidence, OUP, 2009 Palmer, Proof, Thomson, 2nd Edition
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:
 - Skills of factual analysis;
 - Logic and informal reasoning;
 - 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.