

Legal Profession Admission Board September 2024

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 on 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. 110 candidates sat the examination. Final marks were in the range 5 to 85. Six candidates were awarded a Pass Distinction grade, 12 candidates were awarded a Pass Merit grade, and 56 candidates were awarded a Pass grade. The final marks and grades resulted in an increase in the proportion of PDs and PMs, and also a modest decrease in the failure rate compared to last semester. There was some general improvement in identification and application of the principles, but a number of papers still lacked sufficient effective analysis of the problems, as opposed to merely identifying the issues and stating the principles. And a number of answers demonstrated a misunderstanding of basic principles such as hearsay or made past errors that were explicitly addressed in the lectures, the lecture materials and the revision classes.
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 criminal case and involved a number of issues, including: the hearsay exceptions, tendency and coincidence evidence, identification evidence, admissions, and judicial directions.
 - (b) Question 2 was a civil case and focused on hearsay, lay and expert opinions, judicial notice, tendency evidence, and standards of proof.