

**Evidence**  
**March 2013**  
**Examiner's Comments**

Most candidates handled the paper competently; however, no distinction grades were awarded. This may in part be because those who did best on the examination were from the group "deemed eligible to sit".

Candidates most frequently chose to answer questions 1, 2 and 4. The average mark for both questions 1 and 2 was a very good pass. The average mark for question 4 was just above that. The average mark for Question 3 was a pass. Very few people answered Question 5 but the average mark for that question was the highest.

**Question 1**

This question was poorly constructed but generally well handled. The third paragraph was intended to raise the issue of credit evidence, and the collateral matters rule. The facts were confused but the question contained a reference to a ruling based on the fact that it was a collateral matter. Most students were able to grasp that reference and discuss the targeted area of law. The opinion evidence and competence issues were handled well.

**Question 2**

Candidates should note that it is essential to define terms such as leading question and hearsay. The hearsay issue was often poorly handled due to the failure to identify the issue that the prosecutor was attempting to prove by asking the witness to repeat what "Fred said" and apply the definition of hearsay.

**Question 3**

The issues were judicial notice, business documents, privilege for negotiations, and character/credit evidence.

**Question 4**

Most candidates appear to understand that the focus is to be on the law rather than on the facts. On occasion it appeared that candidates were attempting the question without having read the case, this is not a good idea.