

Introduction to Evidence Law

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Key concepts, sources, and practical principles for understanding how facts are proved in legal proceedings.

1. What Is Evidence Law?

Aspect	Description
Definition	The body of rules that governs what information (evidence) may be presented in a trial and how that information is evaluated.
Purpose	• Ensure fairness to both parties • Promote truth-finding • Prevent wasteful or abusive litigation
Scope	Applies to civil, criminal, administrative, and arbitration proceedings (with some procedural variations).

2. Main Sources of Evidence Rules

Source	Typical Content	Jurisdictional Example
Statutes	Codified rules (e.g., Federal Rules of Evidence in the U.S., Evidence Act 1995 in Australia).	U.S. Fed. R. Evid. §§ 101-1103
Case Law	Judicial interpretation and development of doctrines (e.g., hearsay exceptions).	<i>R v. Smith</i> (UK) – development of “relevant” evidence.
Constitution / Charter	Guarantees that shape admissibility (e.g., right against self-incrimination).	U.S. 5th Amend.; Canada Charter s. 24(2).
Practice Directions & Rules of Court	Procedural details (filing deadlines, disclosure requirements).	Federal Rules of Civil Procedure §§ 26-37 (U.S.).
International Instruments	Standards for cross-border cases (e.g., Hague Evidence Convention).	Hague Convention on the Taking of Evidence.

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3. Core Principles of Admissibility

1. **Relevance** – Evidence must make a fact more or less probable than it would be without the evidence.
2. **Materiality** – The fact proved must be at issue in the case.
3. **Competence** – The evidence must be legally permissible (e.g., not protected by privilege).
4. **Probative vs. Prejudicial Balance** – Courts may exclude evidence if its unfair prejudice, confusion, or waste of time outweighs probative value.

Mnemonic: R?M?C?P (Relevant, Material, Competent, Probative).

4. Types of Evidence

Category	Sub?type	Typical Use
Testimonial	• Live witness testimony	Direct narration of facts.
	• Depositions	
	• Affidavits	
Documentary	• Contracts, emails, medical records	Provides written proof; often “best evidence.”
	• Business logs	
Real (Physical)	• Weapons, clothing, damaged property	Tangible objects that can be inspected.
Digital	• Computer files, metadata, GPS logs	Treated as documentary but may raise authentication issues.
Demonstrative	• Charts, maps, animations	Helps jurors understand complex information.

5. Hearsay and Its Exceptions

Concept	Definition	Common Exceptions (U.S. Fed. R. Evid.)
Hearsay	An out?of?court statement offered to prove the truth of the matter asserted.	1. Present Sense Impression (§ 801(d)(2)) 2. Excited Utterance (§ 803(2)) 3.