

INDEX

ACCOUNTANTS, 518-532

ADMINISTRATIVE TRIBUNALS

distinctions between tribunals and courts, 441. *See also* **COURTS**
expertise and deference, 412, 428-429, 436-437
privative clauses, 423-424, 435
reasonable apprehension of bias, 445
tradition vs. modern regulation, 412-418

ALIBI

disbelief vs. fabrication, 298
generally, 290-292

ASSUMPTION OF INTEGRITY

chain of evidence, 7

BERTILLON, ALPHONSE

body measurements, 3-4

CONFIDENTIAL RECORDS

compelled production criteria, 315-316
Crown's duty to inquire, 347-348
destruction of materials, 316-324
equality, 338-339
first party disclosure vs. third party production, 346-347
full answer and defence, 331-334
onus, 342-343
police disciplinary information, 348-351
privacy, 334-338, 345-346
two-part test for production, 341

COURTS

constitutional framework, 407-408
federal courts, 410-411
organization, 408-409
provincial and territorial courts, 411
Supreme Court of Canada, 409-410

CRIME SCENE

reconstruction, 4-7

CRIMINAL RESPONSIBILITY

refusing to be examined, 300-306, 308
requirements of section 657.3, 309-311

DELAY

counsel of choice vs. trial within a reasonable time, 542
court's understanding of delay, 537-540, 544-546, 559-561, 571-572, 593-594
important factors, 572
inherent time requirements, 574-576
new section 11(b) framework, 598
pre-charge delay, 553-556
prejudice, 566-567
problems with the pre-2017 framework, 594-598
transience, 535-537
waiver, 546-548, 565-566, 573-574, 582
young offenders, 585-590

DISCLOSURE

bad character evidence, 286-288
Crown obligation, 261-265
custody and control of, 279-283
obligation not absolute, 266-268
prior to election or plea, 268, 274
reciprocal disclosure, 262, 277-278, 290-292
triggering disclosure, 268
what should be disclosed, 268-270, 272-273

ENGINEERS, 504-511

EVIDENCE

circumstantial

- definition, 193, 202-203, 206
- inconsistent with any other rational conclusion, 207, 212

circumstantial — *cont'd*

- limited weighing of evidence, 214, 217

demonstrative

- dangers, 229, 235-237
- definition, 229
- degree of similarity, 238-240, 246-250
- standard forms of demonstration, 252-257

direct

- definition, 189, 193, 206
- perceived by the senses, 197

dynamics, 7-10

real

- definition, 220
- electronically stored data, 226-227
- proof of condition at relevant time, 222-223, 225

EXPERT TESTIMONY

admissibility, 610-613, 617-619, 767-768

advances in forensic evidence, 756-761, 763-767, 802-808

bias, 669-677, 768-772, 779-784

commenting on credibility, 633-635

duration of litigation privilege, 646-652, 702-703

duty to preserve evidence, 773-776

error rate, 607, 622-623

ethics, 689-692, 701-702

exceeding area of expertise, 629-631

falsification rates, 606

fibre analysis and comparison, 716-717

general acceptance of, 607

hair analysis and comparison, 708-716, 722-723, 726-734

impeachment of, 635-636, 658, 661-663, 666-667

lie detection, 600-601

novel scientific theory, 788-789

peer review, 606

sanctions, 692-698

significance of the oath, 700-703

work product privilege, 638-645, 654-665

GOVERNING BODIES

attributes of self-governing professions, 463-470

history of regulated professions, 462

professional licensing schemes, 456-457

HOLMES, SHERLOCK

deduction, 2

JUDGES

conduct unbecoming, 117-121, 175-179, 180-183

Cosgrove, Justice Paul

- apologies, 121-126
- competence, 129
- removal from office, 129

ethical principles of, 116-117

fairness in charging the jury, 130-140

improper interventions, 157-165, 172-174

O'Driscoll, Justice John

- as contempt of court subject, 110-115
- found to be unfair at trial, 129-140

reasonable apprehension of bias, 143-156, 165-169, 445-450

rhetorical questions, 140

JUNK SCIENCE

contrasted with real science, 686-688

definition, 686

LAWYERS

defence counsel

- competency, 80-83
- conflict of interest, 85-91
- contempt of court, 112-113
- guilty plea, 92-95
- obstruction of justice, 99-110
- role of, 74-77, 79, 99

- prosecutors
- abusive questioning, 55-59
 - fairness of, 52-53, 67-69
 - jury addresses, 52, 65-66, 71-73
 - role of, 53, 58, 60
 - threatening conduct, 60-63
 - winning or losing, 53
- LOCARD, DR. EDMOND**
exchange principle, 4
- MEDIA INFLUENCE**
CSI effect, 12, 14-16, 19, 24
“mean world” message, 21
“tech” effect, 19-21
- MISCARRIAGES OF JUSTICE.** *See*
MORIN, GUY PAUL; SMITH, DR. CHARLES; TRUSCOTT, STEVEN
- MORIN, GUY PAUL, 703-708**
- NURSES, 479-504**
- PHYSICIANS, 471-479**
- POLICE**
abuse of power, 46-52
dangers of the job, 37-38, 40-41, 43-45
public attitudes towards, 28-29
role of, 33
- PRIVILEGE**
doctor and patient
 - breach of trust, 383
 - predicting dangerousness, 382
 - rationale for, 379-383
informer
 - open court principle, 398-401
 - procedure to be followed, 401-405
 - rationale for, 394-398
religious
 - case-by-case assessment, 376-378
 - rationale for, 375-376
- solicitor and client
 - limitations of, 387-392
 - physical evidence, 102-104
 - rationale for, 87-88, 102, 351-353, 356-357, 385-388
Wigmore criteria, 406
- SMITH, DR. CHARLES, 736-737, 740-752, 754, 756, 760**
- SOCIAL WORKERS, 511-518**
- TRUSCOTT, STEVEN, 789-814**