

Publisher's Note

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From Your Library:

Goldstein

Visual Evidence

This manual is both a reference text and practical how-to guide for lawyers, judges, legal academics, law students, law enforcement officers, corporate security, campus security, and loss prevention personnel, alarm and security professionals, security guards, and private investigators. Part I focuses on the admissibility and weight of visual evidence in the courts. Part II examines the specific issues related to the use of visual evidence in civil proceedings. Part III covers the many uses for visual evidence in criminal proceedings, with particular focus on crime scenes, re-enactments and confessions.

What's New in this Update:

Chapter 13 - Surveillance in the Workplace has been updated to include additional key cases and recent legislative amendments. The Words and Phrases tab has also been updated.

HIGHLIGHTS

Chapter 13 - Surveillance in the Workplace

This chapter has updated commentary related to recent case law and legislative amendments. New sections have been added to this chapter. There is a new section on the *Personal Information Protection and Electronic Documents Act* (PIPEDA) and new sections on provincial privacy acts (*Saskatchewan Privacy Act*, the

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Newfoundland and Labrador Privacy Act and Ontario Privacy Act). Finally, a new section related to the Ontario Human Rights Tribunal has been added to this chapter.

Words and Phrases:

DEEMED WAIVER OF PRIVILEGE

Ontario

- A deemed waiver of [solicitor-client] privilege and an obligation to disclose a privileged communication requires two elements: i.) the presence or absence of legal advice is material to the lawsuit; and ii.) the party who received the legal advice must make the receipt of it an issue in the claim or defence.

Herzuk v. Kleiman (2018), 2018 CarswellOnt 5376, 2018 ONSC 2208 (Ont. S.C.J.) at para. 42 McGraw (Master).

RELIABILITY

Alberta

- Part of my task is to assess the reliability and credibility of a witness. Reliability and credibility are distinct from one another. Reliability relates to the witness' ability to "accurately observe, recall and recount the events in issue." Credibility relates to the witness' sincerity, that is, his or her willingness to speak the truth as the witness believes it to be.

Perret v. Weeres (Associated Renovations) (2017), 2017 CarswellAlta 1522, 2017 ABPC 209 (Alta. Prov. Ct.) at para. 4 Krinke Prov. J.

Nova Scotia

- Courts have identified there is a distinction between the veracity or truthfulness of the witness (credibility) and the ability of the witness to accurately relate his or her evidence (the reliability).

Grue v. McLellan (2018), 2018 NSSC 69, 2018 CarswellNS 212 (N.S. S.C.) at para. 18 Hunt J.

The author welcomes receiving cases involving visual evidence. Please contact the author via email at: elgold@rogers.com or visit the author's website at: www.videoevidence.ca. This website now contains over 135 articles (downloadable in PDF format — scanned at 600 dpi) written by the author over the past 32 years.