

# **33 Ways to Prove a Fact in Court of Queen's Bench**

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*Evidence Law Refresher*

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## 33 WAYS TO PROVE A FACT IN COURT OF QUEEN'S BENCH

- over 90% of evidence is adduced in one of three basic ways: **affidavits, documents, or questioning of witnesses**
- other methods of proof are less frequently used, or only in specialized areas
- being familiar with all methods (and inherent advantages and risks) allows you to make better tactical decisions
- example: trying to prove something by Notice to Admit rather than by affidavit won't expose your client to cross, but might only result in a straight denial from the other side (or make them think of firing back one of their own)
- some methods are slam-dunk reliable (e.g. filing certified copies of title), but others are iffy (e.g. affidavit by legal assistant on potentially disputed matter)
- conclusion: selecting methods of proof are tactical decisions to be made thoughtfully and intentionally

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<sup>1</sup> Prepared for the Legal Education Society of Alberta seminar, *Evidence Law Refresher* (November 2014). Tim Hurlburt practises administrative law with the Alberta Crown. The views expressed are his own. All errors and omissions are the fault of a poor public education system..