CHARACTER EVIDENCE RULES	COMMENT
Rule 1: General rule: other than evidence bearing directly on the facts-in-issue, "no specific act unless similar fact.." In other words, generally speaking, the civil and criminal law prevent circumstantial proof of the substantive matters before the court based on prior acts of a party, his character, his reputation. Therefore, evidence of propensity or disposition is generally inadmissible. However, evidence which is not solely directed to propensity or disposition (ie. has another admissible purpose, such as "identity") is admissible if relevant, not otherwise excluded by a specific rule, and sufficiently probative. Please note: where reputation, character etc. is a fact in issue, ie. in defamation actions, then the character rule does not apply to exclude this evidence. Another example is prior conduct which informs a standard of care, such as prior slip and falls which tell the trier of fact the Defendant in a negligence action had notice of the problem and failed to take reasonable care.	In criminal law, the concern over disposition evidence is its potential prejudicial value. The concern is that the trier of fact will use evidence of disposition improperly, and give it inordinate weight. In other words, convict the accused because given his past, he has "likely done it again." Therefore, presumptively, evidence of propensity or disposition to commit a certain crime is not admissible to prove that the accused committed the crime, not because it is irrelevant, but because its probative value is too low, and its prejudicial value too high. In civil law, the rule applies apparently out of concern for judicial economy and the multiplicity of issues that arise when other events are litigated, as opposed to the facts-in-issue. The "similar fact rule" should properly be understood as an exception to the character evidence rule. When successfully applied, there is a finding by the trier of law that the evidence is of a higher quality, a sufficient probative value to make its introduction worthwhile. Where similar fact applies, the evidence is admissible on a substantive basis, and the trier of fact will be warned against "forbidden reasoning", ie. convicting due to previous disposition.
Rule 2: Generally speaking, evidence intended solely to bolster credibility is inadmissible. Oath-helping evidence may become admissible at the instance of the examining party when credibility is made an issue by the cross-examining party.	Upon taking the oath or being affirmed, a witness is assumed to be telling the truth. Therefore, evidence solely intended to bolster credibility is irrelevant.. It may become relevant, however, upon the allegation of bias, motive, recent fabrication etc. Evidence that rehabilitates the witness should be relevant to the nature of the attack. Attacks on the credibility of a witness can be express or implied, through cross-examination of witnesses, or the examination of the opposite party's own witness. Such attacks can be anticipated in appropriate circumstances with the rehabilitation called in chief.
Rule 3: In a criminal case the accused may introduce evidence of reputation for good character for a particular personality trait relevant to the case at bar: e.g. veracity or passiveness. He may do so through his own testimony as to specific acts of good conduct, general evidence of his reputation through any witness so capable (but not himself), or through expert evidence of disposition. Re: general reputation, the witness must be able to testify as to the "general reputation" of the accused in the community. The general reputation witness is not providing his own opinion of the accused, but is reporting that of the relevant community. As such, specific incidents of good conduct are inadmissible in chief. Such evidence is admissible for two purposes: (a) to determine the credibility of the accused; and (b) a substantive purpose, to determine if the accused is more or less likely to have committed the crime. This is not true of civil law, where such evidence is inadmissible.	The belief is that a person of good character is less likely to have committed a crime, and good character is relevant to assessing the credibility of the accused. Note that this evidence can be called even in the absence of an attack on the credibility of the accused. In that sense, it represents an exception to Rule 2 (against oath-helping). In criminal law, it can also be understood as a rule reflecting another policy in evidential law: full answer and defence. Note that a general character witness can be cross-examined upon the basis for his opinion, which may include specific incidents of bad conduct. An alternative way to meet this evidence would be general reputation of bad character. Note also that the Crown may be limited by the similar fact rule in cross-examining the accused himself on specific acts of misconduct, or calling such evidence in rebuttal to a denial from the general character witness. This may leave as their only option bad, general character evidence.
Rule 4: A witness may be cross-examined concerning their antecedents, associations, past conduct but, if directed solely to credibility, the questioner is bound by the answer. This is known as the collateral fact rule, a specific exclusionary rule on the cross-examiner.	Credibility is a collateral issue, i.e not a material fact in issue. Therefore, while character is relevant to and probative of credibility , because it is not a material fact questions may be asked, but rebuttal evidence is not permitted. Public policy reason: judicial economy.

Rule 5: In a criminal case the Crown may not attack the character of the accused unless the accused has placed character in issue. This is the classic formulation of the character evidence rule - the accused's character is not a fact-in-issue and is out of bounds unless and until the accused places his character in issue by expressly or impliedly asserting a good character. Parties to a civil matter are not protected like an accused person, but as noted in Rule 1, this evidence is generally not admissible in a civil matter. Note that s.666 of the Criminal Code allows an accused's criminal record to be admitted, even where he does not take the stand, but where he puts his character into issue. Note that an accused does not put his character in issue merely by a general denial of the Crown's case.	Notwithstanding rule 4, the accused may not be questioned on character issues unless character has been put in issue by the accused. The logic is that while it may be relevant to credibility, a trier of fact may use it as evidence of disposition or propensity which is forbidden. Character may be put in issue by the accused's testimony ("I wouldn't do that."), by general character evidence called at the instance of the accused, and sometimes by the general conduct, including cross-examination of Crown witnesses, of the defence. Where put in issue, the Crown may both cross-examine and otherwise rebut the assertion of good character. Where rebutted, the Crown's bad character evidence is admissible solely to assist the trier of fact to determine credibility, and is expressly not to be used to convict on the basis of disposition.
Rule 6: Notwithstanding the other Rules, a witness in any mater, civil or criminal (including an accused), may be questioned as to whether he or she has been convicted of an offence and upon denial the opposite party may prove the conviction. The convictions are given to the trier of fact for use in determining credibility only. See Alberta Evidence Act, s. 24; Canada Evidence Act, s. 12. Note that these provisions have been determined to allow the following only: the date and place of conviction, name of offence, and penalty. If a party wants the underlying circumstances in, resort must be had to the other Rules. For example, for an accused, the underlying circumstances of his record could only be admitted where character had been placed in issue and details of the offences were a relevant rebuttal by the Crown. Alternatively, where they pass the similar fact test. For other witnesses, the question as to underlying circumstances may be put, but rebuttal to disprove a denial may not be admissible due to the collateral fact rule.	Notwithstanding rules 4 & 5, any witness may be questioned about a criminal record and rebuttal evidence given. This includes an accused whether or not character has been put in issue. However, it is open to an accused to make a Corbett application, in effect, having the trier of law rule IN ADVANCE of the accused taking the stand, whether or not the trier of law will exercise his discretion and prevent cross-examination of the accused on his criminal record, or whether the record will otherwise be edited. In this application, the trier of law will look at the probative value of the record v. its prejudicial effect. Important to the trier of fact will be whether the record is for offences of dishonesty, or demonstrate a disregard for the legal system and the rules of society, which are more relevant to credibility than the mere existence of a record. Also to be considered will be whether the entries are dated, the similarity of the entries to the offence at bar, as well as the nature of the attack, if any, on Crown witnesses. The Corbett application is available to an accused out of concern for the fairness of criminal trials, and how disposition evidence may be used by juries.
Rule 7: Evidence of the reputation for non-veracity of the opponent witnesses, save an accused depending on whether character has been placed in issue, is admissible. Again, this is "general reputation" evidence as to a reputation in the community. Cross-examination is allowed regarding the basis for belief, and rehabilitative general reputation for veracity evidence is likely admissible in rebuttal.	Evidence of veracity of your own witness is inadmissible as oath-helping. Evidence of specific instances of non-veracity runs afoul of Rule 4. Reputation for non-veracity is generally considered of sufficient probative value that it is admitted notwithstanding that it goes to a collateral issue.
Rule 8: Expert testimony of an organic incapacity of a witness to tell the truth is admissible.	Such evidence is directly relevant to the issue of competence to tell the truth. Additionally, it is admissible on the issue of credibility notwithstanding that credibility is a collateral issue.
Rule 9: In criminal prosecutions for listed sexual offences, evidence of sexual reputation is not admissible for the purpose of challenging or supporting credibility of the complainant: s. 277 C.C.	This statutory rule, a change to the old mores of the common law, is based upon the view that sexual reputation has no logical connection with credibility.
Rule 10: In criminal prosecutions for listed sexual offences, evidence of the complainant's prior sexual activity, with the accused or others, may not be adduced by the accused except in restricted circumstances, and upon application: s. 276 etc. C.C.. Such evidence, where allowed, is not admissible to support an inference that, by reason of the sexual nature of that activity, the complainant is more likely to have consented, or is less worthy of belief.	This statutory rule severely restricts cross-examination based on an assertion that in general, such questioning is not relevant to consent or credibility.