EVIDENCE SYLLABUS

FALL 2022

PROFESSOR LANDSMAN

I. Introduction to Evidence—The Trial

   [Hereinafter all paginated and problem assignments will be found in Lempert, et al.]
   —Federal Rules of Evidence (FRE) 103, 611, 615

2. —Pp.141-173 [Throughout your reading skip problems not assigned in this Syllabus.]
   —Problems II-2, II-3, II-10, II-12, II-13
   —FRE 101, 102, 104, 105, 601-603, 701, 704

II. Judge and Jury

3. —Pp. 174-193 Bourjaily
   —Problem II-6
   —FRE 104

III. Relevance

4. —Pp. 215-243 Old Chief
   —Problems III-2, III-3, III-4, III-5, III-20 (Day in the Life), III-28
   —FRE 401-403

5. —Pp. 255-269
   —Problem III-18 Collins (Mathematical Proof)

IV. Exhibits

6. —Pp.1269-1299 (Authentication)
   —Problems X-1, X-5*
   —FRE 901-902, 104

7. —Pp. 1299-1351 (Original Document/Best Evidence)
   —Problems X-7, X-8, X-9, X-10, X-12
   —FRE 1001-1008

V. Hearsay

   —Problems VI-1, VI-3*, VI-4, VI-10
   —FRE 801-802

9. —Pp. 589-613 (Hearsay EXEMPTIONS)
   —Problems VI-18, VI-20, VI-21, VI-32
   —Problems VI-42, VI-44, VI-46
   —FRE 803 (1)-(4)

11. —Pp. 662-681 (Hearsay Exceptions 803 (5)-(6))
   —Problems VI-66, VI-69*, VI-71, VI-75, VI-78
   —FRE 803 (5)-(8) [REVIEW REMAINDER OF FRE 803]

12. —Pp. 702-731 (Hearsay Exceptions 804 and 807)
   —Problems VI-80, VI-81, VI-82, VI-84, VI-110
   —FRE 804-807

   —Problem VI-123

VI. Legal Relevance

14. —Pp. 287-325 (Subsequent Measures, Compromises, Payment Offers, Pleas, Insurance)
   —Problems IV-1, IV-2, IV-3, IV-4, IV-5, IV-6, IV-7, IV-8, IV-9, IV-11, IV-12, IV-13
   —FRE 407-411

VIII. Character and Credibility

   —Problems V-2, V-3, V-4, V-5, V-6, V-7, V-8, V-12, V-13
   —FRE 404-405, 104

16. —Pp.379-393 (Habit)
   —Problems V-15, V-16, V-17, V-56*
   —FRE 406

17. —Pp. 394-410 (Character Directly)
   —Problems V-21, V-22, V-23
   —FRE 404-405

18. —Pp.411-438 (Impeachment)
   —Problems V-25, V-27, V-28
   —FRE 607-609

19. —Pp. 440-470 *Abel, Davis* (Bias and Inconsistency)
   —Problems V-29, V-30, V-31, V-32, V-33

20. —Chart and Review
   —Problems V-51, V-62, V-68, V-78
IX. Supplementary Materials (Time Permitting)

21. —Pp. 1125-1163 Daubert (Experts)
   —Problems IX-2, IX-3, IX-4, IX-5
   —FRE 701-704

22. —Pp. 929-969 Upjohn (Privilege)
   —Problems VIII-2, VIII-3, VIII-4
   —FRE 501-502

COURSE REQUIREMENTS

1. Students are expected to attend every class unless excused by the instructor. Students are required to be prepared for every class they attend. Students will be called upon at random throughout the semester and are expected to respond in a competent manner. Any student who is absent from or unprepared to respond during three or more classes will have her or his grade lowered. Repeated absence or lack of preparation may lead to either a failing grade or removal from the course.

2. Grades in the course will be based on performance on the final examination.

3. Quality of expression as well as analysis will be evaluated with respect to all written work submitted by students.

LEARNING OBJECTIVES

By the conclusion of the course students should have:
* acquired a working knowledge of the Federal Rules of Evidence and the procedures that govern the trial of cases in federal court;
* developed an understanding of the role played by juries in the determination of factual questions in federal court litigation;
* developed an understanding of the role played by counsel in the use and enforcement of the Federal Rules of Evidence;
* developed an understanding of the role played by the United States Supreme Court in the interpretation and application of the Federal Rules of Evidence; and
* developed an understanding of the proper performance of professional and ethical responsibilities in the context of the litigation of cases governed by the Federal Rules of Evidence.

CREDIT HOUR POLICY

The Law School has adopted a “Credit Hour Policy.” A “credit hour” is an amount of work that reasonably approximates no less than one hour of classroom or direct faculty instruction (calculated as 50 minutes of classroom time) and two hours (120 minutes) of out-of-class student work for fifteen weeks (including one week for final examinations), or the equivalent amount of work over a different amount of time. These requirements apply equally to all courses taught in the law school. THIS POLICY REQUIRES THAT YOU SPEND AT LEAST 8 HOURS, ON AVERAGE, OUTSIDE OF CLASS STUDYING FOR THIS 4 CREDIT COURSE. THIS IS IN ADDITION TO HOURS SPENT IN CLASS EACH WEEK.