

Professor Deborah Young

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Welcome to Evidence! In just four weeks we will cover the Federal Rules of Evidence. This is a tremendous amount of material to learn and much of it is complex. To aid students in learning and retaining the information, we will mix in demonstrations by students, quizzes, and other activities. Participation in these activities is expected, but they will not count toward the course grade. The goal is to have every student master Evidence by the final examination on August 4.

The required texts for this course are:

Evidence Under the Rules Text, Cases and Problems (Eighth Edition, 2015) by Mueller and Kirkpatrick.

Aspen, ISBN: 9781454849520. This will be referred to as "MK" in assignments. (Used copies are available). **You must have a print copy of the book, not an electronic version.** (As of January 3, 2018, this was available for rent for \$35 at slugbooks.com.)

Federal Rules of Evidence (2015, 2016, 2017 or 2018). You may purchase *any* print copy of the Federal Rules of Evidence **with advisory committee notes** and legislative history. I will be using the Federal Rules of Evidence with Advisory Committee Notes and Legislative History 2015 edition by Aspen, a division of Walters Kluwer.

Recommended book:

Evidence by Mueller and Kirkpatrick (Fifth Edition, 2012). This treatise was written by the authors of your casebook expressly for students. This is the best one volume evidence treatise available. Aspen, ISBN: 978-1-4548-1774-1 (hardback) or 978-1-4548-0403-1 (paperback). (As of January 3, 2018 this was for rent for \$17 at Textbookrush.com)

Grading

Grades for this course will be primarily based on the written final examination, but I reserve the right to consider class participation. Students are encouraged to take the exam on computer, using ExamSoft. The attendance policy is as designated by Vermont Law School Summer Session guidelines.

Use of Electronics in the Classroom

Research has shown that students retain more of the information taught in a class when they do not use computers. Accordingly, computers, phones, recorders and other electronic devices will not be permitted during class, unless in accordance with an approved accommodation for a disability.

Accommodations for Students with Disabilities:

This course and its examination will be conducted in compliance with Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. Please make Professor Young aware of any needed accommodations.

Reading Assignments:

	Topic	MK Pages	Rules
1.	Introduction Relevance Omit problem 2-I	1-15 53-91	101-106 401-403
2.	Authentication Note: many problems to prepare! Witnesses (mini lecture, no MK assigned)	895-918	401-403 901-903 601-606
3.	Relevance Revisited: Character Evidence Character in Sex Offense Cases Omit problem 5-H.	423-461	404-405 412-415
4.	Habit & Routine, Remedial Measures, Settlement, Proof of Payment and Insurance, and Negotiations Intro to Hearsay	461-467 475-485 11-117	407-411 801
5.	Hearsay: Rule 801(a)-(c) & 802 Hearsay and Non-hearsay Omit problem 3-I. Hearsay Quiz	125-141 145-151 158-164	801-802
6.	Rule 801(d) Declarant testifying and Admissions by Party Opponent Omit problem 4-F.	165-233	801(d)-803
7.	Unrestricted Hearsay Exceptions	233-283	803
8.	Unrestricted Hearsay Exceptions (cont'd) Practice	284-321	803
9.	Hearsay Exceptions: Minor Exceptions and Declarant Unavailable Catchall Exception	321-379	804 807

10.	The Confrontation Clause Also read very important Supreme Court cases: Ohio v. Clark (2015) and Michigan v. Bryant (2011)	381-422	
11.	Direct and Cross Exam Revisited Impeachment	517-525 530-538 584-635	611, 612, 615 608-609
12.	Impeachment: Specific Impeachment; Repairing Credibility, and Forbidden Attacks	584-635	607-610
13.	Lay Opinion, Expert Witnesses and Scientific Evidence	637-691	701-706
14.	Judicial Notice Best Evidence Privileges: Attorney-Client	763-787 929-951 789-808	201 1001-1008 501
15.	Privileges: Attorney-Client Omit problem 12-F. Privileges: Psychotherapist Privileges: Spousal Privileges	809-840 844-857 857-868	501-501
16.	Privileges: Spousal Privileges and Self-Incrimination Review Session	867-884	