

## ACADEMIC COURSE SYLLABUS

<b>COURSE TITLE:</b>	<b>EVIDENCE</b>	
<b>COURSE NUMBER:</b>	LAW 601A	Evidence - 1st semester of two-semester course*
	LAW 601B	Evidence - 2nd semester of two-semester course*
	LAW 601A/B*	Evidence
	* Denotes all non-severable, two semester courses. Both semesters must be successfully completed to receive final A/B course grade.	
<b>UNITS:</b>	3 Units/Semester (must complete both semesters for one 6-Unit final grade at the end of both semesters)	
<b>COURSE TYPE:</b>	Required	
<b>PROFESSOR(S) NAME:</b>	Hon. Allan D. Hardcastle	
<b>PROFESSOR CONTACT INFO:</b>	<a href="mailto:ahardcas@sonomacourt.org">ahardcas@sonomacourt.org</a> or 707-521-6730	
<b>SCHEDULE:</b>	Two-semester class: Fall 2018, Tuesdays 6-9:00pm, Room # 103 and Spring 2019, Tuesdays 6-9:00pm, Room # 103	
<b>PREREQUISITES:</b>	Completion of first-year required coursework.	
<b>COREQUISITES:</b>	None	
<b>TEXTS AND MATERIALS:</b> (Identification of any texts, materials and references used throughout the course.)	<p><u>Required:</u> <i>Evidence, 3<sup>rd</sup> Edition</i>; Fisher; Foundation Press; ISBN-9781609300609, 2013</p> <p><b>NEW</b> – coming out in August 2018 – Empire bookstore will pre-order and have available once published. <i>Evidence, 2018-2019 Statutory and Case Supplement</i>; Fisher; Foundation Press ISBN 9781640209398</p> <p><i>Federal &amp; California Evidence Rules, 2016-2017</i>; Leach and Uhrig; Wolters Kluwer; ISBN 978-1454880547</p> <p><u>Optional:</u> <i>Evidence- A Concise Comparison of the Federal Rules with the California Code</i>, Mendez, West ISBN # 9780314286840</p> <p>A helpful reference: Mueller &amp; Kirkpatrick, <i>Evidence</i>; Aspen Publishers, a one-volume treatise that is cited often in the Fisher casebook. A copy is available in the Empire Law Library.</p>	
<b>COURSE DESCRIPTION:</b>	Problems in relevancy; circumstantial evidence, including habit, custom, compromises, and character evidence; witnesses, including competency privilege, examination, impeachment and rehabilitation; opinion evidence; Constitutional considerations and exclusionary rules; hearsay evidence and the exceptions to its exclusion; authenticity of writings; the “best evidence” rule, burden or proof and presumptions.	
<b>COURSE OBJECTIVES / ANTICIPATED LEARNING OUTCOMES:</b> (Description of what students will be expected to know and be able to do at the end of the course. What skills or knowledge will be gained by the end of the course.)	<p>The purpose of this course is to develop a solid understanding of the California and Federal rules of evidence and to use such skills in a courtroom setting.</p> <ul style="list-style-type: none"> <li>Students must demonstrate the minimum level of competency IN THE USE OF EVIDENCE for an attorney</li> </ul>	

	<p>PRACTICING in CA AND FEDERAL COURTS</p> <ul style="list-style-type: none"> <li>• Students must demonstrate they possess a minimum level of knowledge of the CA AND FEDERAL RULES OF EVIDENCE and are prepared for evidentiary hearings in Federal or State Court.</li> <li>• STUDENTS WILL LEARN COURTROOM STRATEGIES AND PRACTICE REGARDING THE INTRODUCTION OF AND OBJECTIONS TO EVIDENCE.</li> <li>• STUDENTS WILL DEVELOP AN UNDERSTANDING AND ANALYTICAL ABILITY TO INTRODUCE AND OPPOSE EVIDENCE USED IN COURT.</li> </ul> <p>Students should expect to spend a <u>minimum</u> of two hours/per hour of instruction time on assigned readings and briefing cases. For example, a 3-hour class would require at least 6 hours of outside preparation time per week.</p>
<p><b>FORMAT OVERVIEW / METHOD OF INSTRUCTION</b> (Description of how the course will be taught, including breakdown of lecture, practicum, etc.)</p>	<p>Course material will be presented in a lecture-discussion and Socratic method format, SUPPLEMENTED WITH COURTROOM PRACTICE AND ILLUSTRATIONS.</p> <p>The study of evidence law, its intricacies and applications, is a challenging one and not one that can be mastered simply by reading text and listening to lecture. This course will require a high level of commitment and diversity of work on your part that will include problem sets and in-class exercises in which you will be required to be a courtroom advocate. Students are expected to be fully prepared to participate in each class. We will, among other topics, discuss the Problems throughout the casebook and the video clips which will be shown.</p>
<p><b>EXAMS:</b></p>	<p>The grade will be comprised of the results of: Midterm examination [25% of class grade] and the Final examination [75% of the class grade]. The midterm exam will be cumulative for the first semester. The final exam will be cumulative, covering all course material from both semesters.</p> <p>Exams begin promptly at 6 p.m. All students must take examinations as scheduled. It is recognized that in special circumstances and due to emergencies, it may be necessary to schedule delayed examinations. An emergency is defined as a serious illness or injury to the student or a member of his or her immediate family. Special Circumstances are defined as other situations that, in the opinion of the Dean, are sufficient to warrant delay in taking examinations. <b>Any student taking delayed examinations <u>must have the prior written approval of the Dean.</u></b> No examination may be taken <u>prior</u> to the day of the regularly scheduled examination. If delayed examinations are approved by the Dean, <u>a fee of \$75 will be charged for each such exam taken.</u> Failure to complete an exam is not sufficient reason for a late or</p>

	retake exam.
<b>GRADING / ASSESSMENT CRITERIA/CLASS POLICIES:</b>	<p>Empire College uses the following grading system:  <u>Numerically graded classes:</u>  90 – 100 A Outstanding  80 - 89 B Superior  70 - 79 C Satisfactory  65 - 69 D Unsatisfactory  64 and Below Failing/No Credit</p> <p>Only numeric grades in Required courses are used to calculate grade point average.</p> <p>The grade will be comprised of the results of:  Midterm examination [25% of class grade] and the  Final examination [75% of the class grade].</p> <p>Each examination will have two essays (worth 80%) and one multiple choice series of questions (worth 20%). The multiple choice questions will not lower a grade by more than two points. Essays will be graded in five point increments. Class participation can add or subtract up to three points to the final grade.</p>
<b>ATTENDANCE:</b>	<p>Regular and punctual attendance is essential for the successful completion of law school. Students should plan to attend every class. Students must attend a minimum of 80% of the classes to be eligible to pass the course. (36 hours — 12 of 15 classes each semester) Roll will be taken at each class. Class attendance is of particular importance in learning the language and concepts of the law. Class attendance, preparation, and participation are required components of this course and will be factored into your final grade. Make-up classes will be scheduled on evenings when classes are not usually held or on weekends. Class sessions which are delayed or canceled because of holidays or policy of Empire College School of Law, and which are re-scheduled for a different date are considered regularly scheduled class sessions, not make-up classes. A student who has exceeded the absence limits outlined will be automatically dropped from the course. A student who is dropped from a course will be required to repeat the course at its next offering in order to meet graduation requirements.</p>

<b>ASSIGNMENTS:</b>  <b>FALL 2018</b>	<p><b><u><i>Students are expected to have prepared the first week's assignment for the first class.</i></u></b></p> <p><b>FALL 2018</b></p>
<b>Week 1: 9/4/18</b>	Introduction: Chapter 1: General Principals of Relevance. Text pp.1- 17, Supplement pp. 499-511, text pp. 22-34.

<b>Week 2: 9/11/18</b>	Chapter 1: Continued-Text pp. 35-65.
<b>Week 3: 9/18/18</b>	Chapter 1: Continued-Text pp. 66 - 94.
<b>Week 4: 9/25/18</b>	Chapter 2: The Specialized Relevance Rules-Text pp. 95-144.
<b>Week 5: 10/2/18</b>	Chapter 3: Character Evidence. Text pp. 145-180.
<b>Week 6: 10/9/18</b>	Chapter 3: Continued. Text pp. 181-207.
<b>Week 7: 10/16/18</b>	Chapter 3: Continued. Text pp. 207-234.
<b>Week 8: 10/23/18</b>	Chapter 3: Continued to Chapter 4, Impeachment and Character for Truthfulness. Text pp. 234- 261
<b>Week 9: 10/30/18</b>	Chapter 4: Continued. Text pp 261-289
<b>Week 10: 11/6/18</b>	Chapter 4: Continued to Chapter 5, The Rape Shield Law. Text pp 289-331
<b>Week 11: 11/13/18</b>	Chapter 5: Continued. Text pp 331-363
<b>Week 12: 11/20/18</b>	Chapter 6: Competency of Witnesses to Chapter 7: The Rule Against Hearsay. Text pp.364-403.
<b>Week 13: 11/27/18</b>	Chapter 7: Continued. Text pp. 403-446, Supplement pp. 514-522, Text pp. 452-474
<b>Week 14: 12/4/18</b>	Chapter 7: Continued: Complete Text and Review
<b>Week 15: Midterm date TBA Exams run 12/10 to 12/20/18</b>	<b>Midterm date TBA-</b> 3-hour Midterm Examination –examination will have two essays (worth 80%) and one multiple choice series of questions (worth 20%). Exact date will be published during the semester to all students. Watch for Exam schedule.

<b>ASSIGNMENTS: SPRING</b>	<b>Spring 2019</b>
<b>Week 1: 1/8/19</b>	Chapter 7: Continued. Text pp. 474 - 502
<b>Week 2: 1/15/19</b>	Chapter 7: Continued. Text pp. 502-536
<b>Week 3: 1/22/19</b>	Chapter 7: Continued. Text pp. 537-562
<b>Week 4: 1/29/19</b>	Chapter 7: Continued to Chapter 8: Confrontation and Compulsory Process. Text pp. 562-594
<b>Week 5: 2/5/19</b>	Chapter 8: Continued. Text pp. 594 – 646

<b>Week 6: 2/12/19</b>	Chapter 8: Continued. Text pp. 646 – 692
<b>Week 7: 2/19/19</b>	Chapter 8: Continued. Text pp. 692- 734
<b>Week 8: 2/26/19</b>	Chapter 9: Lay Opinions and Expert Testimony. Text pp. 735 - 781
<b>Week 9: 3/5/19</b>	Chapter 9: Continued. Text pp. 782 - 829
<b>Week 10: 3/12/19</b>	Chapter 9: Continued. Text pp. 829 - 876
<b>Week 11: 3/19/19</b>	Chapter 9: Continued to Chapter 10: Authentication, Identification, and the Best Evidence Rule. Text pp. 876- 928
<b>Week 12: 3/26/19</b>	Chapter 11: Privileges: General Principles. Text pp. 930-973
<b>Week 13: 4/2/19</b>	Chapter 12: The Lawyer-Client Privilege and the Privilege Against Self-Incrimination. Text pp. 974-1080
<b>Week 14: 4/9/19</b>	Chapter 12: Continued: Finish Text and Review
<b>Week 15: Final Exam date TBA Exams run 4/15 to 4/25/19</b>	<b>Final Exam date TBA-</b> 3-hour Final Examination –examination will have two essays (worth 80%) and one multiple choice series of questions (worth 20%). The final exam will be cumulative, covering all course material from both semesters. Exact date will be published during the semester to all students. Watch for Exam schedule.

**Syllabus subject to change.** The above assignments are for the entire academic year. I reserve some flexibility in the precise timing of these assignments to accommodate the need for more (or less, as the case may be) extended discussion of particular rules and concepts.