

ACADEMIC COURSE SYLLABUS

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| COURSE TITLE: | EVIDENCE | |
| COURSE NUMBER: | 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. | |
| UNITS: | 3 Units/Semester (must complete both semesters for one 6-Unit final grade at the end of both semesters) | |
| COURSE TYPE: | Required | |
| PROFESSOR(S) NAME: | Bruce Kinnison, Esq. | |
| PROFESSOR CONTACT INFO: | kinnisonfamily@comcast.net 707-480-9274 | |
| SCHEDULE: | Two-semester class: Fall 2013, Thursdays 6-9:00pm, Room # 104 and Spring 2014, Thursdays 6-9:00pm, Room # 104 | |
| PREREQUISITES: | Successful completion of first-year course work | |
| COREQUISITES: | None | |
| TEXTS AND MATERIALS: (Identification of any texts, materials and references used throughout the course.) | <p>Required: <i>Evidence: California Code & the Federal Rule: A Problem Approach, 5th Edition; Mendez; West; ISBN-13: 9780314276858</i></p> <p>Optional: <i>Evidence- A Concise Comparison of the Federal Rules with the California Code, Mendez 2009, West ISBN # 978-0-314-90674-8.</i></p> <p><i>A helpful reference in the library is Jefferson's, California Evidence Benchbook.</i></p> <p>California Evidence: Examples & Explanations, by Christine Chambers Goodman, (Aspen Publishers,) November 2010</p> | |
| COURSE DESCRIPTION: | 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 and proof and presumptions. | |
| COURSE OBJECTIVES / ANTICIPATED LEARNING OUTCOMES: (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"> Students must demonstrate the minimum level of competency IN THE USE OF EVIDENCE for an attorney PRACTICING in CA AND FEDERAL COURTS Students must demonstrate they possess a minimum level of knowledge to pass a CA State Bar Examination question involving | |

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| | <p>the subject matter of CA AND FEDERAL RULES OF EVIDENCE.</p> <ul style="list-style-type: none"> • STUDENT WILL LEARN COURTROOM STRATEGIES AND PRACTICE REGARDING THE INTRODUCTION OF AND OBJECTIONS TO EVIDENCE. • STUDENT WILL DEVELOP AN UNDERSTANDING AND ANALYTICAL ABILITY TO INTRODUCE AND OPPOSE EVIDENCE USED IN COURT. <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>FORMAT OVERVIEW / METHOD OF INSTRUCTION (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>Students are expected to be fully prepared to participate in each class. We will, among other topics, discuss the "Questions and Problems" at the end of each section in class.</p> |
| <p>EXAMS:</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. Any student taking delayed examinations <u>must have the prior written approval of the Dean.</u> No examination may be taken <i>prior</i> 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 retake exam.</p> |
| <p>GRADING / ASSESSMENT CRITERIA/CLASS POLICIES:</p> | <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> |

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| | <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 up to three additional points to the final grade.</p> |
| ATTENDANCE: | <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. 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> |
| ASSIGNMENTS: FALL 2013 | Students are expected to have prepared the first week's assignment for the first class. |
| Week 1: | Chapter 1-2.01: Evidence in Perspective, Relevance. Text pp.1-30. |
| Week 2: | Chapter 2.02 - 3.07: Relevance and Character Evidence. Text pp. 30-64. |
| Week 3: | Chapter 3.08- 3.15: Character Evidence, continued. Text pp. 64 - 101. |
| Week 4: | Chapter 3.15 - 3.19: Character Evidence, cont. Text pp. 101 - 134. |
| Week 5: | Chapter 3.20 - 4.06: Other types of Excluded Evidence. Text pp. 134 - 171. |
| Week 6: | Chapter 4.07 - 5.03: Excluded Evidence and the Hearsay Rule. Text pp. 171- 205. |
| Week 7: | Chapter 5.04 - 6.04: The Hearsay Rule and Exceptions. Text pp. 205-244. |
| Week 8: | Chapter 6.05-7.03:Confrontation and Exceptions to the Hearsay Rule, cont. Text pp 245- 285 |
| Week 9: | Chapter 7.04-8.02: Exceptions to the Hearsay Rule, cont. Text pp 285-319 |
| Week 10: | Chapter 8.03 - 9.03: Exceptions to the Hearsay Rule, cont. Text pp 319-355 |

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| Week 11: | Chapter 9.04- 9.15: Exceptions to the Hearsay Rule, cont. Text pp 355-399 |
| Week 12: | Chapter 10.00 - 11.01: Exceptions to the Hearsay Rule, cont. Text pp. 400 - 436. |
| Week 13: | Thanksgiving Holiday – no school this date Chapter 11.02 - 12.03: Exceptions to the Hearsay Rule, cont. Best Evidence Rule. Text pp. 436 - 467. Make-up date: <u> TBD </u> |
| Week 14: | REVIEW |
| Week 15: Midterm date TBA | Midterm date TBA- 3-hour Midterm Examination –examination will have two essays (worth 80%) and one multiple choice series of questions (worth 20%). |

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| ASSIGNMENTS: SPRING | Spring 2014 |
| Week 1: | Chapter 13.00-13.09: Authentication and Best Evidence Rule. Text pp. 467 - 497 |
| Week 2: | Chapter 13.10 - 14.07: Completeness Doctrine and Competency of Witnesses. Text pp. 497 - 544 |
| Week 3: | Chapter 15.00 - 15.07: Credibility of Witnesses. Text pp. 545 - 579 |
| Week 4: | Chapter 15.07 - 15.10: Credibility of Witnesses, cont. Text pp. 579-610 |
| Week 5: | Chapter 15.11 - 15.14: Credibility of Witnesses. Text pp. 610 - 646 |
| Week 6: | Chapter 16.01 - 16.07: Expert Testimony and the Opinion Rule pp. 647 - 682 |
| Week 7: | Chapter 16.08 - 18.03: Experts, cont. Role of Judge and Jury; Presumptions. Text pp. 682 - 733 |
| Week 8: | Chapter 18.04 - 19.03: Presumptions, cont; Judicial Notice. Text pp. 733 - 777 |
| Week 9: | Chapter 20 - 21.01: Privileges; Attorney-Client Privilege. Text pp. 778 - 822 |
| Week 10: | Chapter 21.02 - 21.08: Attorney-Client Privilege. Text pp. 822 - 868 |
| Week 11: | Chapter 22.01 - 23.02: Work Product, More Privileges. Text pp. 869 - 901 |
| Week 12: | Chapter 23.03 - 24.03: More Privileges. Text pp. 902 - 940 |
| Week 13: | Chapter 25 - 30: More Privileges. Text pp. 941 - 991. Begin REVIEW |
| Week 14: | Catch-up and Review for Final Exam |
| Week 15: Final Exam date TBA | Final Exam date TBA- 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. |