

**MASSACHUSETTS SCHOOL OF LAW at ANDOVER**

**SYLLABUS FOR EVIDENCE -- Fall 2022**

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**Text**: Sklansky, Evidence—Cases, Commentary and Problems, Fifth Edition Wolters Kluwer.

**Class Time:** Classes are in person on Mondays at 2:30-3:50 and also asynchronous which means you must review all class materials before each Monday, come to class prepared to apply that knowledge both practically and through testing, and take that week’s retention exercise. Much of evidence law is revealed by its application to the facts. Even though you are now second year law students and thus know everything, you must read the cases to understand the nuances of the rules and become adept at applying the rules on the Multistate Bar Examination. Read them because you are only shortchanging yourself. Just to make sure though we will have regular quizzes on the cases and the rules of law that the cases address.

* Read the cases and pertinent rules before each class.
* Watch Zoom discussion of cases and section’s rules before each class.
* Attend class where you use that material and take the quiz.
* Take Socrative retention exercise after class is completed.

We conduct portions of this class remotely as well as in person on Mondays. It requires active and regular preparation and participation from each student. While you can choose to participate in the remote class any time before the scheduled in class use of that material, you must participate each week by reading your cases, focusing on key concepts, the application of those concepts, and doing that week’s exercises.

**Course**  The objective of this course is to have students master the rules

**Objectives:**  of evidence and trial strategies so they will be skilled courtroom advocates, effective litigators, and highly successful on the evidence questions in the MBE, the MPT and the UBE Essays.

**Grading**

**Criteria:** The course outline you prepare and are required to submit to us, your quizzes, participation in exercises, midterm examination, lack of class participation, and final examination all contribute to your final grade in this class.

**Audio Reviews:** There are audios lectures for the major handouts in this course. Review the handouts and listen to audios early and often. In addition, a Power Point presentation and course review is available with an extensive questionnaire that you must submit to me by 10.11.2021. Since 10.10.22 is a holiday and there is no in person class that week, you should use that weekend to complete the first part of your outline and study for the midterm examination on 10.17.22.

**ASSIGNMENTS DUE FOR EACH CLASS**

**We will read 60-75 pages of our textbook for each class. There will be weekly quizzes on the material and the week’s subject matter.**

Class 1 : Read the handouts attached to this syllabus. What questions do

8.22.22 these handouts bring to mind? If we quizzed you on the 5-part test, could you tell us what 5 parts the test requires?

Overview/Reliability/The Five Part Test—The Big Picture

Your first assignment is to EMAIL me an example of relevant evidence. Please also tell me what you thought was the single most powerful piece of evidence in either a civil or criminal trial that you thought was particularly interesting. Briefly explain your choice.

Class 2:

8.29.22: Role of the Judge and Introduction of Relevant Evidence. Begin

with Walton and end with Montana. Conduct direct and cross

examinations using relevant evidence.

(Do parts one and two of class 2.)

9.5.22: Labor Day – No School.

Class 3:

9.12.22: Hearsay Zenni through Bruton problems. Confrontation issues and

Hearsay exercises.

Class 4:

9.19.22: Hearsay—the spontaneous exceptions through public records and

reports problems as described in Beech Aircraft.

Class 5:

9.26.22: Melendez-Diaz, unavailability exceptions, and confrontation

issues.

Class 6:

10.3.22: Introduction to character evidence, mimic, prior bad acts, and prior

conviction problems. Zackowitz to Cunningham (333).

Class 7: Review and FAQ. Submit answers to PPT questions.

Class 8:

10.17.22: Midterm Exercises and Examination.

Class 9: (Week 7, Part 2) Settlements, subsequent remedial measures, and questioning by jurors. (335-385)

Class 10: Impeachment through dead man’s statutes. (387-471)

Class 11: Jurors, experts, and scientific evidence under Daubert.

Skip pages 534-617.

Class 12: Privileges and Introducing Physical Evidence. (619-697)

Class 13: Prerequisites and proper foundation for lay witnesses, experts and

scientific evidence. Foundation examinations. (699-718)

Class 14: Best evidence, burdens, presumptions, and judicial notice

questions. (718 to end)

Class 15: Final exam review and issues.

Review and be thoroughly familiar with the Federal Rules of Evidence.

There are audio reviews on the major handouts for this course with a questionnaire that you must complete after listening to the related recordings.

EvidenceSyllabusFall2022/Coyne/Evidence