



MASSACHUSETTS SCHOOL OF LAW at ANDOVER
EVIDENCE SYLLABUS FALL 2025
Professor Anthony A. Copani

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Text: EVIDENCE, LAW AND PRACTICE
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FEDERAL RULES OF EVIDENCE (2025 Ed.)

Classes: Tuesday/Thursday 2:30 p.m. - 3:50 p.m.
Tuesday/Thursday 7:30 p.m. - 8:50 p.m.

Purpose: The purpose of this course is to enable students to master the rules of evidence to perform successfully on the evidence section of the UBE and to further develop an understanding of the rules to apply same in the courtroom.

The topics as set forth in this syllabus are an outline of the order in which the material will be covered during the semester and is subject to modification. The complexity of the material and the ability of the class to grasp the issues may result in devoting more or less class time to a particular topic.

The Syllabus includes cases that are not contained in the Case Book, such as, People v. Adamson under Topic Two. A "PACKET" of additional cases will be provided at the beginning of the semester.

Cases that are included in the "PACKET" are marked with the symbol "*".**

For cases that are not included in the "PACKET" or the TEXT, citations are set forth in the Syllabus.

Course requirements and grading criteria are set forth at the end of this syllabus.

Professor Anthony A. Copani

OVERVIEW OF CLASS EXPECTATIONS

Case Book p. 3-8
p. 33-45

CHAPTER 3

Case Book p. 47-52
p. 60-66

Case Book p. 69-73

Case Book p. 74-75

TOPIC – THREE

CHAPTER 7

EXAMINATION OF WITNESSES

COMPETENCY OF WITNESSES - Lecture

DIRECT AND CROSS EXAMINATION - Lecture

Case Book p. 223-245

LAY OPINION RULE p. 273-285

A) REFRESHING RECOLLECTION

****** U.S. v. Riccardi – 174 F.2d 883 (3d Cir. 1949)

Case Book p. 268-269
p. 540-544

TOPIC – FOUR

CHAPTER 7

IMPEACHMENT AND REHABILITATION

Case Book p. 150-152
p. 246-249

FIVE MODES OF IMPEACHMENT

1) BIAS AND INTEREST

U.S. v. Able - 469 U.S. 45 (1984)
(This case is cited at page 152 of the casebook)

Case Book p. 152-153
p. 251

2) BAD CHARACTER

a) Prior Criminal Convictions

Case Book p. 166-174
p. 252-255

Luce v. U. S. - 469 U.S. 38 (1984)
(This case is cited at page 168 of the casebook)

Ohler v. U.S. - 529 U.S. 753 (2000)
(This case is cited at page 169 of the casebook)

Old Chief v U.S. – 519 U.S. 172 (1997)
(This case is cited at pages 71, 90 of the casebook)

b) Prior Bad Acts

** U.S. v. Whitmore – 359 F.3d 609 (D.C. Cir. 3004)

Case Book p. 159-163
p. 256-257

c) Reputation and Opinion of Character

** State v. Ternan – S. Ct. of Washington, 1949
33 Wash.2d 584, 203 P.2d 342.

U.S. v. Lollar – 606 F.2d 587 (5th Cir. 1979)

Case Book p. 155-158
p. 260-262

3) PRIOR INCONSISTENT STATEMENTS

Case Book p. 153
p. 259-260

U.S. v. Ince - 21F.3d 576 (4th Cir.1993)

U.S. v. Webster - 734 F.2d 1191 (7th Cir. 1984)

4) CONTADICTION

Case Book p. 154
p. 250

5) TESTIMONIAL FACULTIES

Ability to Observe, Remember and Relate

LECTURE

Case Book p. 154
p. 258

6) REHABILITATION - Lecture

Case Book p. 164-166
p. 267

TOPIC – FIVE

CHAPTER 18

AUTHENTICATION AND IDENTIFICATION

FRE 901-903

FRE – 803 (16)

Case Book p. 701-712

** Anderson v. Berg – S. Ct of Kansas, 1969
451 P.2d 248

** Keegan v. Green Giant Co. – SJC of Maine, 1954
110 A.2d 599

** U.S. v. Sliker – US Ct of Appeals, Second Circuit, 1984
751F.2d 477, cert. denied, 470 U.S. 1058

BEST EVIDENCE RULE

FRE 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008

Case Book p. 712-720

TOPIC – SIX

CHAPTER 10

HEARSAY RULE

Case Book p. 345-386

TOPIC – SEVEN

CHAPTER 11

NON-HEARSAY PURPOSES

Case Book p. 403-438

- Leake v. Hagert – 175 N.W. 2nd 675 (N.D. 1970)
- ** Central of Georgia v. Reeves – S. Ct. of Alabama
257 So.2d 839 (1972)
- ** Hickey v. Settlemier – S. Ct of Oregon, 1993
864 P.2d 372
- ** Banks v. State – Ct. of Appeals of Maryland, 1992
608 A.2d 1249
- ** U.S. v. Zenni – 492 F. Supp 464
(This case is cited at page 372 of the casebook)
- ** Sollars v. State – S. Ct. of Nevada, 1957
316 P.2d 917
- ** Betts v. Betts – Ct. of Appeals of Washington, 1970
473 P.2d 403
- ** Silver v. N.Y. Cent R. Co. – S. Judicial Ct. of MA, 1952
329 Mass. 14
- ** City of Webster Groves v. Quick – Ct. of Appeals, of Missouri
323 S.W.2d 386, 1959

TOPIC – EIGHT

CHAPTER 12

WITNESSES' NON-HEARSAY STATEMENTS

A) PRIOR STATEMENTS BY WITNESSES

- Case Book** p. 441-472
p.261-267
- ** Rowe v. Farmers Ins. – S. Ct. of Missouri, 1985
699 S.W.2d 423
- U.S. v. Owens – 484 U.S. 554 (1988)
(This case is cited at pages 465,473 of the casebook)

TOPIC - NINE

CHAPTER 13

NON-HEARSAY ADMISSIONS BY PARTY OPPONENT

Case Book p. 475-503

A) ADMISSIONS

B) ADOPTIVE ADMISSIONS

C) AUTHORIZED ADMISSIONS

D) VICARIOUS – AGENT & EMPLOYEE

Mahlandt v. Wild Canid - 588 F. 2d 626 (8th Cir. 1978)
(This case is cited at page 481 of the casebook)

E) CO-CONSPIRATOR ADMISSIONS

Bourjaily v. U.S. - 483 U.S. 171 (1987)
(This case is cited at pages 37, 497 of the casebook)

Bruton v. U.S. - 391 U.S. 123 (1968)

TOPIC – TEN

CHAPTER 15

RULE 804 (b) (3) EXCEPTION TO HEARSAY

A) DECLARATIONS AGAINST INTEREST FRE 804 – (b) (3)

Case Book p. 573-586
p. 603-612

** U.S. v. Katsougrakis – 715F.2d 769

TOPIC – ELEVEN

CHAPTER 14

RULE 803 EXCETIONS TO HEARSAY

Case Book p. 505-572

A) EXCITED UTERANCE/PRESENT SENSE FRE 803 – (1) (2)

**B) THEN EXISTING MENTAL, EMOTIONAL
OR PHYSICAL CONDITION**

FRE 803 – (3)

U.S. Harris - 733 F. 2d 994 (2d Cir. 1984)

Mutual Life v. Hillmon - 145 U.S. 285 (1892)

(This case is cited at page 524 of the casebook)

Shepard v. U.S. - 290 U.S. 96 (1933)

(This case is cited at page 433 of the casebook)

U.S. v. Houlihan - 871 F. Supp 1495 (D. Mass 1994)

** U.S. v. Annunziato – U.S. Ct. of Appeals, Second Cir, 1961
293 F.2d 373

(This case is cited at page 527 of the casebook)

**C) STATEMENTS MADE FOR MEDICAL DIAGNOSIS OR
TREATMENT**

FRE 803 - (4)

Case to be assigned

TOPIC – TWELVE

D) BUSINESS RECORDS

FRE 803 – (6) (7) (8)

Case Book p. 548-566

Keough v. Commissioner - 713 F. 2d 496 (9th Cir. 1983)

Palmer v. Hoffman - 318 U.S. 109 (1943)

(This case is cited at page 550 of the casebook)

U.S. v. Gentry - 925 F. 2d 186 (7th Cir. 1991)

Beech Aircraft v. Rainey - 488 U.S. 153 (1988)

E) OTHER RULE 803 EXCEPTIONS

Case Book p. 567-571

F) RESIDUAL EXCEPTION – FRE 807

TOPIC – THIRTEEN

CHAPTER 10

HEARSAY AND CONFRONTATION

Case Book p. 387-400

Crawford v. Washington – 541 U.S. 36 (2004)
(This case is cited at pages 387,401,500, 508 ... of the casebook)

Davis v. Washington – 547 U.S. 813 (2006)
(This case is cited at pages 388,401,613 of the casebook)

Giles v. California – 554 U.S. 353 (2008)
(This case is cited at pages 392,613,630 of the casebook)

Melendez-Diaz v. MA – 557 U.S. 305 (2007)
(This case is cited at pages 389,401 of the casebook)

Ohio v. Clark – 576 U.S. 237 (2015)
(This case is cited at pages 388,389,401 of the casebook)

FORFEITURE BY WRONGDOING

FRE – 804 - (b) (6)

Case Book p. 612-616

TOPIC – FOURTEEN

CHAPTER 15

FURTHER RULE 804 EXCEPTIONS TO HEARSAY

B) DYING DECLARATIONS

FRE 804 – (b) (2)

Case Book p. 598-602

Sheppard v. U.S. 290 U.S. 96 (1933)
(This case is cited at page 433 of the casebook)

C) FORMER TESTIMONY

FRE 804 (b) (1)

Case Book	p. 587-598
U.S. v. Bollin	264 F.3d 391 (4th Cir. 2001)
Kirk v. Raymark	61 F.3d 147 (3d Cir. 1995)

TOPIC – FIFTEEN

CHAPTER 5

CHARACTER EVIDENCE AND HABIT EVIDENCE

CHARACTER EVIDENCE BASICS

Case Book	p. 99-104
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RULE 404 (b) – SPECIFIC ACTS

Case Book	p. 104-121
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EXCEPTIONS TO RULE 404 (a) (1)

Case Book	p. 121-137
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SEXUAL OFFENSES AND MISCONDUCT

Case Book	p. 137-150
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HABIT – FRE 406

Case Book	p. 176-180
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Review Problems	p. 180-187
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TOPIC – SIXTEEN

CHAPTER NINE

OPINIONS, EXPERTS AND SCIENTIFIC EVIDENCE

SUBJECTS AND SCOPE OF EXPERT TESTIMONY FRE 702 – 706

Case Book	p. 287-318
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CROSS-EXAMINATION OF EXPERTS

Learned Treatises – 803 (18)

Case Book p. 318-320

RELEVANCE AND RELIABILITY

Case Book p. 320-343

TRIAL BY MATHAMATICS

Case Book p. 85

TOPIC – SEVENTEEN

CHAPTER 6

FORBIDDEN REFERENCES – LEGAL RELEVANCY

Case Book p.189-222

A) SUBSEQUENT REMEDIAL MEASURES
FRE 407

B) OFFERS TO COMPROMISE
FRE 408 and 410

C) PAYMENT OF MEDICAL EXPENSES
FRE 409

D) LIABILITY INSURANCE
FRE 411

TOPIC – EIGHTEEN

PRIVILEGES, JUDICIAL NOTICE AND BURDEN OF PROOF - LECTURE

Case Book p. 673-698
p. 631-667

Class Requirements

It is required that students be prepared for class and have read and briefed the assigned cases.

If a student is not prepared, it is that student's responsibility to notify the Professor prior to the commencement of the class. At that time a determination will be made as to whether the lack of preparation will be treated as an excused or unexcused absence.

Attendance will be taken at each class. Students who have more than three unexcused absences will have their final letter grade reduced by a “minus”. For example, a grade of “C+” will be reduced to a “C”.

There will be a Midterm Exam and quizzes throughout the semester, the weight of which will be discussed in class.

After the administration of the Midterm or Final Exam, if a student desires to review their grade/exam with the Professor, it shall be a prerequisite of the meeting that the student produce his/her briefs and course outlines to insure said meeting is productive in identifying those areas of difficulty.