

EVIDENCE
LAW 6330 (13041)
University of Florida Levin College of Law
FALL 2025 SYLLABUS
4 CREDITS

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Office Hours: Thursdays from 2:00 to 4:00 pm. If this time doesn't work for you, feel free to email me to schedule a meeting at a different time or drop by my office. Students are welcome to contact me via email, text, or phone.

MEETING TIME AND LOCATION: Monday and Wednesday, 4:30-6:30 pm in room 355C, Holland Hall

COURSE DESCRIPTION AND OBJECTIVES:

Welcome to Evidence, a foundational course in your legal education and a cornerstone of effective lawyering. This course aims to build both doctrinal mastery and strategic fluency with the Federal Rules of Evidence. Through problem-based learning, case analysis, and in-class application, you will learn to navigate the rules that determine what information can be introduced in court, why it matters, and how evidentiary strategies influence outcomes.

Our objectives are threefold:

1. You will gain a detailed **working knowledge** of the Federal Rules of Evidence (FRE), along with constitutional and common-law doctrines that influence evidence law in practice.
2. You will **apply the rules** to real and hypothetical fact patterns—just like attorneys do in court—to understand not only what the rules say but also how they work in legal advocacy.
3. You will explore the ethical and policy dimensions of evidence law, equipping you to **pass the bar exam** and make thoughtful, strategic decisions in practice, regardless of your eventual field.

Although this is not a trial advocacy course, we will continually anchor doctrinal concepts to litigation contexts. You are strongly encouraged to pursue clinics or externships where you can enhance these skills through hands-on experience.

STUDENT LEARNING OUTCOMES:

At the end of this course, students should be able to:

- Analyze whether evidence is admissible under the Federal Rules and related doctrines;
- Apply evidentiary rules strategically to real and hypothetical litigation scenarios;

- Explain the policy justifications and theoretical foundations of major evidentiary rules;
- Identify key intersections between evidence law and constitutional protections;
- Demonstrate proficiency in multiple-choice questions modeled on the bar exam; and
- Consider how evidence law reflects broader themes of fairness and truth-seeking.

REQUIRED READING MATERIALS:

Merritt and Simmons, *Learning Evidence* (5th ed. 2022). This text contains the Federal Rules of Evidence as an Appendix, so you won't need to buy a separate rule book. You will need to have access to the Digital Learning Library that accompanies the course book.

Supplemental materials will be posted on Canvas, and students are expected to regularly check for updates. Unless otherwise noted, students should read the entire chapter(s) assigned and review any supplemental material posted on Canvas. Please stay current with the readings, even if we don't discuss them in class on that day.

For students particularly interested in Florida evidence law, I recommend *Florida Evidence* by Charles W. Ehrhardt.

COURSE EXPECTATIONS AND GRADING EVALUATION:

Students will be evaluated based upon:

- In-Class Fully Closed-Book Multiple Choice Quiz #1 - 20%
- In-Class, Fully Closed-Book Multiple Choice Quiz #2 - 20%
- Fully Closed-Book Multiple Choice Final Exam - 50%
- Practice Quizzes, Hearsay Bracket Writing Assignment, and Class Participation - 10%

Final Exam: You will take a 4-hour, fully closed-book multiple-choice exam on Tuesday, December 16, 2025.

Practice Quizzes (mandatory but ungraded): Each week, you will take at least one practice quiz that we will review in class. These quizzes are listed as “graded” in Canvas, but that setting is enabled only so I can see common mistakes or areas for improvement. These quizzes are mandatory, but they will not be graded.

Class Participation: Aside from days when I call on you, additional participation in class is not directly graded, but I will consider it when deciding whom to raise or lower on the margins after anonymously reviewing the Final Exam.

CLASS ATTENDANCE AND MAKEUP POLICY:

You are expected to attend and participate in class. Merely completing the readings will not get you very far. It is your responsibility to sign in for each class and confirm that you are physically present for the entire class period. If you are not present for the full period, you must note that on the sign-in sheet. Falsely indicating attendance or helping a classmate do so is a violation of course rules and the Honor Code. I will allow up to five (5) absences for any reason, including personal reasons (e.g., going to Spain) or professional reasons (e.g., job interview). Any absences

beyond this limit, regardless of reason, may result in a grade deduction of half a letter. Tardiness (not being in your seat when class starts) may also be counted as an absence. UF Law's policy is to excuse absences for religious observances and to allow for the rescheduling of required work that falls on religious holidays without penalty.

I will bring my very best effort to every class, and I expect you to do the same. So, arrive on time, be prepared and ready to start, and stay for the entire session. Colleagues do not walk out on each other, and an attorney who walks out on a judge during a hearing may be held in contempt. Therefore, if you leave during class for any reason, you will be marked absent. Of course, there are rare occasions when you must leave during class or arrive late, which is why I offer a generous number of absences. As a professional courtesy, please let me know the reason for such behavior, either in advance or afterward, as appropriate.

Please bring the insights you have gained from assigned readings and recordings, and be prepared to share them. My goal with cold calling is to ensure that you are prepared and to maximize and evenly distribute everyone's opportunity to participate in class. You will be graded for effort and participation, but not for the content of your responses. I do not intend for cold calling to increase anxiety or cause stress. This is a rule-based class, and it's essential for your professional development that you read and learn to apply the rules. You may use one "pass." After that, each subsequent pass will lower your final grade by .5%. You are encouraged to volunteer answers when I ask for volunteers and to ask questions during class. Sometimes I'll need to postpone an answer for timing or teaching reasons. Feel free to bring any lingering questions to me during office hours. The law school's attendance policy is available [here](#).

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at [this link](#).

ABA OUT-OF-CLASS HOURS REQUIREMENTS:

ABA Standard 310 requires that students must spend 120 minutes on out-of-class preparation for every "classroom hour" of in-class instruction. Our weekly class time is approximately 4 hours, which means you should allocate at least 8 hours outside of class for preparation, including reading assigned materials, completing weekly quizzes, and submitting your hearsay bracket. Periodically throughout the semester, additional materials such as articles on current events, recordings, and other resources will be added to your assignments.

COMMUNICATION COURTESY AND CIVILITY:

Please follow common courtesy in all email messages and class discussions. Turn off your cell phone during class. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

INTERNET USE DURING CLASS:

Using the Internet during class is not allowed unless I give permission. You may not check social media, email (including Clinic or career-related emails), or news sites. Think of class as an important client meeting, and plan your emailing accordingly. Even for a noble purpose, your internet use violates professionalism standards. If you have concerns about this policy, feel free to discuss them with me.

SENSITIVE ISSUES:

Evidence is a course that, like many others, can raise difficult and deeply felt issues, some of which may affect you personally. We will be discussing criminal cases, including homicide, sexual assault, and other emotionally charged topics. Please feel free to talk with me before class if you're having any trouble. Also, let me know if you have other personal concerns that need accommodation.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

This syllabus serves as a guide to the direction of the course. Our pace will partly depend on the interest level and difficulty of each section and may change. Specific assignments and additional reading may be announced in class and/or on Canvas.

Date/Class #	Class Topic(s)	Reading Assignments
WEEK ONE	INTRODUCTION, OVERVIEW & RELEVANCE	
8/18 #1	Why Take This Course?; Types of Courtroom Evidence; Four W's of the FRE; Structure of a Trial	Study Guide, Chapters 1-5
8/20 #2	Raising and Resolving Evidentiary Objections; Relevance; Prejudice, Confusion, or Waste of Time; Fitting the Rules Together	Chapters 6-8
WEEK TWO	SPECIALIZED ARTICLE IV RULES	
8/25 #3	Subsequent Remedial Measures; Settlements & Offers to Compromise; Medical Expenses	Chapters 9-11
8/27 #4	Criminal Plea Bargaining; Liability Insurance	Chapter 12-13
WEEK THREE	WITNESSES	
9/1	NO CLASS (Labor Day)	

9/3 #5	Putting a Witness on the Stand; Examining Witnesses; Refreshing a Witness's Memory	Chapters 14-16
WEEK FOUR	IMPEACHMENT	
9/8 #6	Impeaching Witnesses; Using Prior Statements to Impeach; Revealing Untruthful Character on Cross Examination	Chapters 17-19
9/10 #7	Using Criminal Convictions to Impeach; Reputation or Opinion Evidence of Untruthful Character; Cross-Examining the Character Witness; Religious Beliefs and Impeachment	Chapters 20-23
WEEK FIVE	CHARACTER EVIDENCE	
9/15 #8	Rule of Completeness; Character Evidence and the Rules; Evidence to Prove Character as an Element	Chapters 24-26
9/17 #9	Using Character Evidence to Prove Propensity; Showing Propensity in Criminal Prosecutions; Methods of Proving Propensity in Criminal Cases	Chapters 27-29
WEEK SIX	CHARACTER EVIDENCE	
9/22 #10	Other Crimes, Wrongs, or Acts; Habit	Chapters 30-31
9/24 #11	IN-CLASS CLOSED BOOK QUIZ #1 (4:30 PM-5:30 PM) ; Rape Shield Law; Propensity in Sexual Assault and Child Molestation Cases	Chapters 32-33
WEEK SEVEN	PRELIMINARY QUESTIONS & HEARSAY	
9/29 #12	Quiz 1 Review; Preliminary Questions; What Is Hearsay and Why Don't We Like it?	Chapters 34-35
10/1 #13	The "Truth of the Matter Asserted" (TOMA); What Is a Statement?	Chapters 36-37
WEEK EIGHT	HEARSAY	
10/6 #14	Admissible Hearsay; Hearsay Exemption—Prior Statements by Witnesses	Chapters 38-39

10/8 #15	Present Sense Impressions and Excited Utterances; State of Mind	Chapters 40-41
WEEK NINE	HEARSAY	
10/13 #16	Medical Treatment; Recorded Recollection; Rule 805-Hearsay Within Hearsay	Chapters 42-44
10/15 #17	Business Records; Public Records; Other 803 Exceptions	Chapters 45-47
WEEK TEN	HEARSAY	
10/20 #18	FRE 804 Intro—What Is Unavailability?; Former Testimony; Dying Declarations	Chapters 48-50
10/22 #19	Statement Against Interest; Forfeiture; Hearsay Exemption—Statements by an Opposing Party	Chapters 51-53
WEEK ELEVEN	HEARSAY	
10/27 #20	Multiple Parties; Statements of Co-Conspirators; Residual Exception	Chapters 54-56
10/29 #21	IN-CLASS CLOSED BOOK QUIZ #2 (4:30 PM-5:30 PM) ; Attacking a Declarant's Credibility; The 6th Amendment and Hearsay	Chapters 57-58
WEEK TWELVE	OPINION AND EXPERT TESTIMONY	
11/3 #22	Quiz 2 Review; Judicial Notice; Lay Opinions	Chapters 59-60
11/5 #23	What Subjects Are Appropriate for Expert Testimony?; Qualifying Experts; Bases of Expert Opinion	Chapters 61-63
WEEK THIRTEEN		
11/10 #24	Limits on Opinion and Expert Testimony; Introduction to Privileges	Chapters 64 & 66
11/12 #25	Attorney-Client Privilege; Other Privileges	Chapters 67-68
WEEK FOURTEEN	WRAP-UP	

11/17 #26	Authentication; Best Evidence	Chapters 69-70
11/19 #27	The Role of the Jury; Review Practice Exam; Lingering Questions	Chapter 72
12/16	IN-CLASS CLOSED BOOK 4-HOUR FINAL EXAM	