**University of Florida Levin College of Law**

**REID – FALL 2019 – EVIDENCE – Law 6330 – Section B**

**COURSE SYLLABUS & POLICIES**

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**Office hours: usually 12:00-1:00, M,T,TH**

**FALL 2019: Class meets M, T, TH @ 4:45 – 6:00 P.M. in room 355C**

(Please double-check the room number via the law school’s website for any last-minute changes.)

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Our course book is Learning Evidence (Fourth Edition) by Merritt and Simmons (West). This text contains the Federal Rules of Evidence as an Appendix so there is no need for you to purchase a separate Rule book. **Ch = Chapter. Please read the entire chapter(s) assigned, AND read carefully the Class Notes Packet for each class. Please stay up to date with the reading even if we don’t discuss it in class on the assigned day. For every hour in-class, please anticipate spending at least two out-of-class hours reading and preparing for in-class instruction/participation. Small numbers in the grid below reference the Rule(s). For our first class, please also watch the following Frontline\* special on forensic evidence (will take about 40 minutes):** [**http://www.pbs.org/wgbh/pages/frontline/real-csi/**](http://www.pbs.org/wgbh/pages/frontline/real-csi/)

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| --- | --- | --- | --- | --- | --- | --- |
| **MONDAY** | **TUESDAY** | **WEDNESDAY** | **THURSDAY** | **F** | **S** | **S** |
| 26 **AUGUST**  class 1  The System  \***Frontline**;  Study Guide; and  Ch 1, 2, 3  And this document  class 2  The System  (trial)  Ch 4 | 27  class 2  The System  (trial)  Ch 4  class 3  The System  (role of jury --606(b))  Ch 72 | 28 | 29  class 3  The System  (role of jury --606(b))  Ch 72  class 4  The System, Relevance  (401, 402)  (objections --103, 105)  Ch 5, 6 | 30 | 31 | 1 |
| 2 SEPT  **HOLIDAY**  **If you have not already** **done so, please watch the movie My Cousin Vinny.** | 3 class 5  Relevance  (prejudice – 403)  Ch 6, 7, 8  class 6  Relevance  (sub. rem. measures –407)  Ch 9 | 4 | 5  class 6  Relevance  (sub. rem. measures –407)  Ch 9  class 7  Relevance  (settlements & offers –408)  Ch 10 | 6 | 7 | 8 |
| 9  class 8  Relevance  (med. exp./ plea barg. -- 409, 410)  Ch 11, 12  class 9  Relevance  (liab. Insurance – 411);  Witnesses  (putting on stand – 601-606)  Ch 13, 14 | 10  class 9  Relevance  (liab. Insurance – 411); Witnesses  (putting on stand – 601-606)  Ch 13, 14  class 10  Witnesses  (examining – 611, 614, 614)  Ch 15 | 11 | 12  class 10  Witnesses  (examining – 611, 614, 614)  Ch 15  class 11  Witnesses  (refreshing memory; impeachment – 612, 607)  Ch 16, 17 | 13 | 14 | 15 |
| 16  class 12  Impeachment  (prior statements – 613, 403, 611)  Ch 18  class 13  Impeachment  (untruthful character – 404(a), 608(b)(1))  Ch 19 | 17  class 13  Impeachment  (untruthful character – 404(a), 608(b)(1))  Ch 19  class 14  Impeachment  (criminal convictions -- 609)  Ch 20 | 18 | 19  class 14  Impeachment  (criminal convictions -- 609)  Ch 20  class 15  Impeachment  (rep./opinion re untruthful char; cross-x; religious beliefs – 608(a), 608(b)(2), 610)  Ch 21, 22, 23 | 20 | 21 | 22 |
| **23**  class 16  Review  class 17  Completeness;  Character  (106)  Ch 24, 25 | 24  class 17  Completeness;  Character  (106)  Ch 24, 25  class 18  Character  (as an element; propensity – 405, 403, 404(a)(1))  Ch 26, 27 | 25 | 26  class 18  Character  (as an element; propensity – 405, 403, 404(a)(1))  Ch 26, 27  class 19  Character  (propensity-criminal case – 404(a)(2), 405(a))  Ch 28, 29 | 27 | 28 | 29 |
| 30  class 20  Crimes,Wrongs,  Other Acts  (404(b), 404(a), 403)  Ch 30  class 21  Review  Exam Tips | 1 OCTOBER  class 21  Review  Exam Tips  class 22  Habit  (406)  Prelim. Questions  (104, 403)  Ch 31, 34 | 2 | **3**  class 22  Habit  (406)  Prelim. Questions  (104, 403)  Ch 31, 34  class 23  Hearsay  (“truth of matter asserted” – 801, 802)  Ch 35, 36 | 4 | 5 | 6 |
| 7  class 24  Hearsay  (“truth of matter asserted” – 801, 802)  Ch 35, 36  class 25  Hearsay  (“truth of matter asserted” – 801, 802)  Ch 36, 37 | **8**  class 25  Hearsay  (“truth of matter asserted” – 801, 802)  Ch 36, 37  class 26  Hearsay  (“statement”; admissible hearsay – 801, 802, 104(a))  Ch 37, 38 | 9 | 10  class 26  Hearsay  (“statement”; admissible hearsay – 801, 802, 104(a))  Ch 37, 38  class 27  **Catch up & Review**  **(scan Ch 44 to preview “hearsay within hearsay”)** | 11 | 12 | 13 |
| **14**  class 28  Hear.Exemption  (W’s prior statements – 801(d)(1))  Ch 39  class 29  Hear.Exemption  (W’s prior statements – 801(d)(1))  Ch 39,40 | 15  class 29  Hear.Exemption  (W’s prior statements – 801(d)(1))  Ch 39,40  class 30  Hear. Exception  (present sense impression; excited utterances – 803(1), 803(2))  Ch 40 | 16 | 17  class 30  Hear. Exception  (present sense impression; excited utterances – 803(1), 803(2))  Ch 40  class 31  Hear. Exception  (state of mind – 803(3))  Ch 41 | 18 | 19 | 20 |
| 21  class 32  Hear. Exception  (medical treatment – 803(4))  Hear. Exception  (recorded recollection – 803(5))  Ch 42, 43  class 33  Hear. Exception  (hearsay within hearsay; business records – 805, 803(6))  Ch 44, 45 | 22  class 33  Hear. Exception  (hearsay within hearsay; business records – 805, 803(6))  Ch 44, 45  class 34  Hear. Exception  (public records – 803(8))  Ch 46 | 23 | 24  class 34  Hear. Exception  (public records – 803(8))  Ch 46  class 35  Hear. Exception  (other 803 exceptions)  Ch 47 | 25 | 26 | 27 |
| 28  class 36  Hear. Exception  (unavailability; former testimony – 804(b)(1)  Ch 48, 49  class 37  Hear. Exception  (dying declar.; statement against interest –804(b)(2),804(b)(3))  Ch 50 | 29  class 37  Hear. Exception  (dying declar.; statement against interest –804(b)(2), 804(b)(3))  Ch 50  class 38  Hear. Exception  (*continued:* dying declar.; statement against interest – 804(b)(3))  Ch 51 | 30 | **31**  class 38  Hear. Exception  (*continued:* dying declar.; statement against interest – 804(b)(3))  Ch 51 and examples in handout re Author’s Quiz  class 39  Hear. Exception  (forfeiture; statements by opposing party – 804(b)(6), 801(d)(2))  Ch 52, 53 | 1 | 2 | 3 |
| 4 NOVEMBER  class 40  Hear. Exception  (statements by opposing parties re multiple parties)  Ch 54  class 41  Hear. Exception  (statements of coconspirators – 801(d)(2)(E)) Ch 55 | 5 class 41  Hear. Exception  (statements of coconspirators – 801(d)(2)(E))  Ch 55  class 42  Hear. Exception  (residual exception; attacking declar.’s credibility – 807, 806)  Ch 56, 57 | 6 | 7  class 42  Hear. Exception  (residual exception; attacking declar.’s credibility – 807, 806)  Ch 56, 57  class 43  Hearsay & 6th Am.  Ch 58 | 8 | 9 | 10 |
| 11  HOLIDAY | 12  class 44  REVIEW  class 45  Judicial Notice;  Lay Opinion  (201, 701)  Ch 59, 60 | 13  Please make sure you have watched My Cousin Vinny | 14  class 45  Judicial Notice;  Lay Opinion  (201, 701)  Ch 59, 60  class 46  Expert Opinion  (subjects -- 702)  Ch 61 | 15 | 16 | 17 |
| 18  class 47  Experts  (qualifying; basis of expert opinion – 703, 705)  Ch 62, 63  class 48  Expert Opinion & Testimony  (limits on opinion and expert test.; court appointed experts – 704, 701, 702, 403, 706)  Ch 64, 65 | 19  class 48  Expert Opinion & Testimony  (limits on opinion and expert test.; court appointed experts – 704, 701, 702, 403, 706)  Ch 64, 65  class 49  Privileges  (501)  Ch 66, 67 | 20 | 21  class 49  Privileges  (501)  Ch 66, 67  class 50  Privileges  Ch 68  class 51  Authentication  (901, 902)  Ch 69 | 22 | 23 | 24 |
| 25 (last week)  class 51  Authentication  (901, 902)  Ch 69  class 52  Best Evidence  (Article X)  Ch 70 | 26  class 53  Review | 27 | 28  THANKSGIVING | 29 | 30 | 1 |
| 2 DECEMBER | 3 | 4 | 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 EXAM |  |  |  |  |  |  |

**COURSE POLICIES**

**Welcome!** I’m Professor Tracy Reid, and I’m looking forward to getting to know each of you. (My last name used to be “Rambo.” In your legal writing and appellate advocacy courses, you may have used the text Professor Pflaum and I co-authored, *Legal Writing By Design*.)

We’ll be together this semester learning a core course, fundamental to our judicial process: Evidence. Our course is “officially” described as follows on our law school website:

**EVIDENCE Course Number:** LAW 6330 **Credits:** 4

Registration priority given to second-year students. A study of the law governing the proof of issues of fact before a judicial tribunal. Topics covered may include judicial notice, presumptions, burden of proof, hearsay, relevancy, testimonial proof, demonstrative and scientific proof, documentary proof and privileged communications. Emphasis is placed on the Federal Rules of Evidence.

In the materials below, I’ve tried to explain what you can expect in the course, and what I expect of you. **Please read these materials very carefully.** Please understand that you’re responsible for reading, understanding, and complying with all policies addressed or referenced in this document. (*Professionalism tip:* Before asking your professor about any course policy (in any class), please first check with the course policy document to see if the answer is already provided. You don’t make a good first impression if you ask a question about the existence of a policy that’s already contained in a document that you’re required to read before class even begins). However, if any policy is unclear to you, please feel free to ask about it.

**Course Goals**

1. To survey and to understand the Federal Rules of Evidence (Rules) and the policies underlying those rules.

2. To help you develop your professional identity and prepare you for the practice of law.

3. To help you develop your legal reasoning skills with an emphasis on acknowledging the underpinnings of common law and societal norms.

4. To help you develop analytical and interpretative skills in applying the Rules to factual scenarios.

5. To help you develop your listening and note-taking skills.

6. To enjoy each other’s thoughts and ideas in a non-confrontational setting, with active class participation.

**Student Learning Outcomes**

Our course requires a personal investment from you in analyzing and applying the Federal Rules of Evidence in a variety of factual scenarios. To this end, you will:

1. Review and analyze all assigned Rules, textbook pages, and other materials to develop an articulable, in-depth understanding and definition of the law and policy underlying the assigned evidentiary rules.

2. Develop an articulable description of your professional identity, including not only what the law requires of you, but also of what you require of yourself especially in the context of crafting objections to evidence, making arguments supporting the admissibility of evidence, and acting ethically and with professional integrity.

3. Analyze and explain how common law and societal norms may influence the development, interpretation, and application of evidentiary rules and principles.

4. Apply the Rules and other relevant laws to factual scenarios and articulate the outcome you believe best conforms to law and policy, and also evaluate that outcome in light of your personal values and morals.

5. Develop interpersonal and professional communication skills by actively listening in class, respectfully assessing the validity of what is being offered, and by carefully reading all assigned materials so you are prepared to share and explain your thoughts and analysis to the class.

**Course Limitations**

Please understand that this is a survey course in Evidence and does not address in detail every aspect of every Federal Rule governing the subject. However, I’ll do my best to help you prepare for the bar exam, but please understand that this course is designed to help you in your *actual practice of law*, and is not solely directed towards any professional entry test.

**Contacting Professor Reid**

***Drop in.*** Please feel free to drop by my office during office hours, or during any time you see that I’m in my room.

***Email me.*** If you’d like to email me, please note that under Florida law, emails to state employees may be public record subject to public disclosure. Although there are exceptions to this, I’d rather not deal with grades or confidential matters via email. If you have something that is confidential to discuss, please see me in person. If that’s not workable, please mark CONFIDENTIAL on your email to me. Further, when you send me an email message, **please write “EVIDENCE” in the subject line along with whatever else you wish to include.** I teach several subjects and I need to know right away which class I’m dealing with re the email.

***Call or Text me.*** I also really like using the telephone to TALK to you and answer your questions. My cell phone is 352-682-4202. Please feel free to **CALL** me (before 9:00 p.m. please), and **please leave a message** if I don’t answer. I will return your call and we can address your questions. You may also **TEXT** me. If you **text** me, please indicate **who** you are and that you are in our Evidence class. I never want you to be frustrated or confused by what you’re studying. Please call me and I’d be happy to discuss the subject with you! This is my personal number, so please don’t give it out to others. Thank you!

**Course Materials and Assigned Reading**

**Here’s what you’ll need for the course***:* (1) our textbook, and (2) our Class Notes packet which I will provide to you over the course of the semester. Please stay up to date with the reading even if we don’t discuss it in class on the assigned day. For every hour in-class, please anticipate spending at least two out-of-class hours reading and preparing for in-class instruction/participation.

(1) Our textbook for the course is Learning Evidence (Fourth Edition) by Merritt and Simmons (West).

(2) Please bring your textbook to *each* class (including our first class). If you’re unable to secure the book prior to our first class (late order, etc.), please arrange to borrow a book from a classmate so you don’t fall behind in your reading.

(3) For *each* class, please review the Class Notes for that class and bring the Class Notes with you to class. It’s imperative that you read that material and have access to it in class. The Class Notes material contains sample problems that we’ll work in class. If you don’t have ready access to those Notes, you’ll be lost.

(4) Please complete all reading by the date it’s assigned, whether or not you think we’ll address it in class that day. For example, if we don’t finish discussing all of the assigned reading for Class 3, for Class 4 you are to read all the assigned materials for Class 4. In this way, you’ll stay up to date on the required reading and won’t be caught off guard. You’re responsible each class for whatever is discussed that day whether it’s material “left over” from the day before, what was scheduled, or both.

(5) Please also be aware that from time to time I may send the class an email with an article or case attached. Please consider these emails and their attachments as part of the required reading for our course. Please read them in a timely manner and respond if necessary. And, if you come across any interesting case or article relevant to our class, please send it to me. I love getting that kind of thing.

*A note on optional reading:* I’m not recommending any particular book for those of you who may wish to buy any supplemental material. If you search for student Evidence guides on the web, you’ll see that there are dozens of offerings. I think that many of these books are fine, but you have to ask yourself whether you really will have *time* to read them. The web is also loaded with *youtube* videos purporting to explain various Evidence Rules (especially the hearsay rules). If you find any of them to be helpful, please send me their links. And, as stated above, the website for our textbook provides a host of supplemental materials designed to help you understand the assigned reading.

**Honor Code**

Our course is subject to all Levin College of Law and University of Florida grade, honor code, and other policies. As stated in our College’s policies, academic honesty and integrity are fundamental values of the University community, and our Honor Code “represents a commitment by students to adhere to the highest degree of ethical integrity. Each student who joins the College of Law community is assumed to be trustworthy unless and until proven otherwise.” Moreover, “[s]tudents at the College of Law benefit from the Honor Code because teaching and learning flourish best in an environment where mutual trust and respect form the bedrock of relationships within the community. The Honor Code helps create a community in which students can maximize their intellectual and academic potential.” Further, “[t]he Honor Code furthers the goal of the College of Law to serve the public and the profession by producing attorneys dedicated to promoting justice, excellence, and respect for the law. The success of the Honor Code depends upon the diligence with which members of the College of Law community ensure that they, as well as others, uphold the letter and spirit of the Honor Code.” Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php> and the law school’s policy (quoted in part, above) at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>.

**Final Exam and Grading Policies (including Mandatory Attendance)**

**Final Exam*.*** An open-book, open-note (but no use of laptops or other electronic devices) final exam will be given at the end of the semester according to Levin College of Law procedures and subject to the provisions/exceptions below represents 100% of your course grade. I’ll provide further information regarding the final exam as the course progresses. At this point, the exam likely will be three hours long in the format of multiple-choice questions (with 5 suggested answers to choose from for each question, but with no “none of the above” answer choice). You do *not* need to know any case names or any Rule numbers for the exam. However, in class (as in the practice of law), we’ll refer to the Rule by its number, so you’ll need to be familiar with the numbers.

**Your Final Grade and Compliance with Course Policies, Including Device Use Restrictions.** With the following three exceptions set forth below, the final exam represents 100% of your final grade:

If a student has been found to have violated the Honor Code, I reserve the right (1) to award that student a failing grade in the course.

I also reserve the right to award, for each instance of occurrence, a full lower course grade (for example, dropping from an A to a B) to any student who (2) demonstrates a lack of in-class preparedness or participation, or (3) violates any of our course policies concerning unauthorized use of laptops or other devices, including cell phones. (Please see the section below regarding laptop and other device use.) For example, if two such instances occur, the student’s grade will be dropped from an A to a C. For class participation/preparedness evaluation, I also reserve the right to call on ANY student to answer a question.

**Delays and/or Exam Accommodations.**Any arrangements regarding delaying exams or other accommodations should be addressed to the staff in the Student Affairs office.

**Accommodations for Students with Disabilities.** Students requesting special accommodation must first register with the Office of Disability Resources.  The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation.

**Faculty Grading Policies.**In general, faculty policy specifies that the mean grade for all seminars and course sections in which more than 15 students are enrolled must fall between 3.15 and 3.25 (inclusive). The mean grade for a course section is required to fall within the specified range. If 15 or fewer students are enrolled in a seminar or course section, there is no minimum GPA but the mean grade for a course section may not be higher than 3.60. The higher mean grade for courses in which there are 15 or fewer students is recommended rather than mandatory but in no event may the mean grade exceed 3.60. Grades are recorded permanently by the Office of the University Registrar. The GPA is determined by computing the ratio of grade points to semester hours of work attempted in courses in which letter grades are assigned. The law school assigns the following values to each grade:

**Grade**      **Points Grade**      **Points**

A      4.00 A- 3.67

B+      3.33 B 3.00

B- 2.67 C+ 2.33

C 2.00 C- 1.67

D+ 1.33 D 1.00

D-      0.67 E 0.00

The minimum grade for passing a course in the Juris Doctor program is a “D-” or “S.” Grades of “S” (satisfactory) and “U” (unsatisfactory) are given in a few courses, and are not computed in the GPA. A grade of “S” is equal to a “C” or better. “I\*” (Incomplete) or “N\*” grades recorded on the student record indicate the non-punitive initial term receipt of an “I” or “N.” A grade of “I\*” or “N\*” is not considered a failing grade for the term in which it is received, and it is not computed in the grade point average. However, if the “I\*” or “N\*” has not been changed by the end of the next term for which the student is enrolled, it will change to “I” or “NG” and be counted as a failing grade and used in computation of the grade point average. “I\*” and “N\*” grades are not assigned to graduating students; they receive grades of “I” or “NG.”

An incomplete grade may be assigned at the discretion of the instructor as an interim grade for a course in which the student has completed a major portion of the course with a passing grade, been unable to complete course requirements prior to the end of the term because of extenuating circumstances, and obtained agreement from the instructor and arranged for resolution of the incomplete grade. Instructors are not required to assign incomplete grades. The grade of “W” (Withdrawn) may appear when a student drops a course during the semester or is permitted to withdraw without penalty.

**Mandatory Class Attendance.**Please see the UF policies (on the law school’s website) regarding attendance and observance of religious and other holidays. Absences for observance of religious and other law school designated holidays are excused. Otherwise, you are allowed **3 absences.** After the third unexcused absence, you may not take the final exam and you will receive a failing grade in the course.

If you’re absent from class, please (you must) email Prof. Reid and let her know that you will be, or were, absent. This applies WHENEVER you’re absent – regardless of whether or not you are using up one of the available absences. **If you don’t email me concerning an absence, that absence will count as two absences, so please make sure you email me.**

You’re responsible for keeping track of your absences. Please do not ask me how many classes you’ve missed. To be clear, upon attaining the 4th unexcused absence, you will ***not be eligible*** to receive a passing grade for this course. Extraordinary situations (such as your own extensive illness, hospitalization, family emergency, death in your family, etc.) should be addressed to the staff at Student Affairs who will handle any exceptional accommodations. I understand “life happens” and will consider a reasonable excuse for missing a class. I also understand that some of you may be involved in competitions and other school-related functions. Please let me know about those.

**Classroom Procedures, Policies, and Environment**

**Attendance Sheets.** You’re responsible for signing the attendance sheet for each class. Several different attendance sheets for each section of the room will be passed from student to student during each class. You will be assigned a group number and will then sign only the sheet that corresponds to your particular section of the room. You’re ***not*** permitted to sign in for any other student, or have any other student sign in for you. Doing so (and/or being the beneficiary of such) will be considered an honor/conduct code violation. You are also not permitted (unless I specifically give you permission) to back-date sign any class that you missed. That, too, would be an honor code violation. If I excuse your absence, please write “excused” in the space for the date missed.

**Class Participation and Preparation.**I prefer class discussions to lectures because I genuinely enjoy hearing your opinions! To that end, you are required to be prepared for class, and are responsible for the reading that has been assigned for the day as well as for any material that we haven’t yet gotten to from a prior class. (In other words, it’s no excuse to say you aren’t prepared because you thought we had already moved forward or because you thought we wouldn’t get to the assigned material that day.)

If you’re not prepared for class, please (you must) tell Prof. Reid before class begins and she will not call on you that day.

**Here’s how you’ll use the assigned reading in class.**

There’s a good reason why Evidence is a 4-hour course – there’s a lot to learn! The rules we’ll be studying can be very tricky. (No doubt, you’ve already heard how frustrating concepts of *hearsay* can be to students, lawyers, and judges.) You’ll have to stay up-to-date with all reading. If not, you’ll get lost in this course, and it’s very difficult to catch up. Also, if you aren’t current with your reading – including any materials I provide to you for that particular class – you won’t fully be able to follow our class discussions.

The book we’ll be using is not a traditional casebook. Instead of illustrating points by having students read lengthy cases, the authors have summarized the relevant cases and have presented them more as examples of a particular problem to be solved. They also have a website that contains helpful review material.

The focus of our class is on analysis and statutory interpretation. We’ll learn the Rules of Evidence by *using* the Rules to solve problems (mini-hypothetical cases). Our focus is not just an academic study of the Rules, but is rather a more true-to-life view of how the Rules really work in practice. Both our textbook *and* additional materials I will hand out to you contain the problems we’ll be addressing in class. But, the book and the materials I will provide to you contain the answers to each problem – and those answers aren’t hidden away in a separate section at the end of the book or the document. Instead, each answer follows each question. This format allows you to formulate your own analysis and then confirm the correct answer. (I don’t know about you, but I really don’t like all the open-ended questions – with no answers provided – found in most legal textbooks.)

**Please take in-class notes.** Our class requires you to understand a complicated set of rules which will be presented separately to you, but will then merge in more complex scenarios. It’s critical that you understand the rules and reasoning used in solving the hypothetical fact patterns you’ll encounter – and those rules and that reasoning are **what we will address in class**. To be able to pull all the rules together, please take careful notes at every stage – which means **during each class**. **Please write down what I put on the board.**

**What to do if you’re not prepared for class.**I’ll assume that everyone is prepared, and is able to participate in our class discussions with insight. However, I understand that sometimes being prepared just isn’t possible. If you’re not prepared, please just let me know ahead of time (right before class is fine), and I *won't* call on you that day – you will have “immunity.” I won’t even count it against you (unless, of course, your use of immunity becomes excessive). To repeat, the burden is on you to tell me if you’re not prepared. I value honesty and integrity. To that end, I will not penalize you if you’re forthcoming in letting me know that you aren’t prepared.

**What to do if you miss a class or have to come in late*.*** As a lawyer, if you’re ill or otherwise can’t attend a meeting with a client or show up at the office or in court, you (of course!) would ***notify*** those impacted by your absence. That’s what a professional does. And, of course, you would not be *late* for a meeting with a client or a court appearance, or walk out in the middle of such unless there was some emergency. In that vein, please do the following:

(1) **if you’re absent from our class** **for *any reason*** **or know you must arrive late**, please (*this is a requirement*) notify me via email. If you’re able to notify me ahead of time, that’s great – but if not, please let me know as soon as possible after the fact. Please just get notes from someone in the class who you trust. *There’s nothing extra you need to do, so please don’t ask me if there’s anything extra you need to do. You do not need to do extra assignments.***If you fail to send me a timely email regarding your absence, that one absence will be counted as two absences.**

(2) **if you’re late**, please enter the room quietly. I’d much rather you come in late than have you miss the class. (I understand that life happens….) However, not being able to find a parking spot isn’t a reasonable excuse, but please come in anyway.

(3) **if you’re ill, please**, please, please take care of yourself. If you have to miss class because of an illness, please email me and I’ll excuse your absence – and you don’t need to show me a doctor’s note. Please do not even offer to provide me with a doctor’s note. If you say you’ve been ill, then I’ll trust that you’ve been ill. I don’t require any further proof. **Your word is your bond.**

(4) **unless there’s an emergency or other necessity**, please don’t leave our classroom until class is dismissed. Coming in and out is extremely distracting.

**Polices regarding laptop and other device use and impact upon grading. *I really dislike even having to bring up this topic.*** Unfortunately, some in-class use of laptops and other devices (including phones) can be distracting to your classmates, impede your own learning, and/or demonstrate a level of rudeness, incivility, and/or lack of interest. Demonstrating these traits will *not* earn you high regard from your colleagues, partners, judges, clients, or from me.

Please be considerate of others and of me, *and use your device ONLY for class purposes***.** Just so there’s no mistake – you may use your device to access your notes and assigned reading. You may not use your device for any other purpose – not to surf the web, not to access your email, not to access on-line accounts, not to answer/send messages, etc. If you do so, I reserve the right to ask you to leave the room. I don’t like to have to ask anyone to leave, but I will do so if this policy is being violated. I also reserve the right to lower your grade (as explained in the “Your Final Grade and Compliance with Course Policies, Including Device Use Restrictions” section above). If you simply cannot resist accessing your computer or other device for non-class related things, then please do not even bring it into our classroom.

If someone around you is violating this policy, please ask him/her to STOP, and if that doesn’t work, please tell me and I’ll take care of the situation. There’s absolutely no need for you to have to put up with the distraction someone else is causing.

**What you can expect in class.**The classroom environment is very important to me. I don’t want anyone to be “afraid” to speak. I will never intentionally seek to offend or embarrass anyone. Please don’t embarrass yourself by getting asked to leave the class because you’re fooling around on your computer/device while in a graduate, law school class.

I’ll advance somewhat controversial arguments for discussion purposes – to stimulate thought and discussion – but never intended to offend. If there’s anything I’m doing that bothers you, please feel free to tell me. If I’m not aware of it, I can’t correct it.

Please be aware that clients will not always be truthful, well mannered, sensitive, or cooperative. If I role play any of those behaviors, please understand it IS only a role play! I want our classroom to be a place of learning (of course) and of fun. I want you to feel free to express your views, and hope that you’ll want to share your ideas with us, including completing the end of semester course evaluations. Your feedback is important!

**If you’re called on.** It’s not my intention to pick on or to embarrass you. I want you to have the experience of thinking on your feet – with that experience comes confidence. (You've got to trust me on this one.) I remember *hating* being called on in law school. If I call on you, it will *not* be to “put you through the wringer.” If you’re current on the reading and have carefully reviewed the material, you shouldn’t have any trouble answering any question I’ll ask. And please remember, if you aren’t prepared, please just tell me before class and you need not have any concern that I’ll call on you that day. You’ll be granted immunity for that day with absolutely no penalty.

**What you’ll find in the study of Evidence** is that many of the Rules are based on stereotypes of human behavior. I don’t agree with all of the stereotypes, but I will try to call them to your attention. At their core, the Rules are designed to help us seek the truth – we want judicial decisions to be based on *reliable, relevant* evidence. However, what is reliable and what is relevant may not be as clear as you might first think. Always focus on the *purpose* the particular evidence is to serve in the trial – what, exactly, is the evidence *being offered to prove*? If you keep these basic principles in mind as we go through the course, the Rules will make much more sense to you.

**I’m very much looking forward to this semester.** I want you to think for yourself, and to form your own opinions concerning the issues we'll be addressing without feeling pressure to agree with me. I want to learn *from* you, and look forward to doing so!