

Syllabus

Evidence – Law 950-01/02
Professor John Rumel
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ILJLC Office 309

Summer 2020
**M-Th 3:30-5:20 p.m. PST/
4:30-6:20 p.m. MST**
Via Zoom

Office Hours:
**Tuesdays and Wednesdays 1:30-2:30 p.m. PST/
2:30-3:30 p.m. MST (and by appointment)**

Materials

Text: GEORGE FISHER, EVIDENCE, 3D EDITION (FOUNDATION PRESS 2013)

The Rules: FEDERAL RULES OF EVIDENCE 2018-2019 STATUTORY AND CASE SUPPLEMENT (FOUNDATION PRESS)

Course Coverage and Goals

This course will cover the law – primarily federal, but some state, rules of evidence and constitutional requirements -- governing the presentation of proof in courts. Students taking this course will hopefully develop and take steps toward mastery of the following knowledge, analytical abilities and skills: (1) an understanding of the law relating to evidence and the ability to apply it to real life factual situations; (2) the ability to evaluate and apply strategic considerations in the subject area; and (3) the ability to critique existing doctrine.

Requirements and Notices

Class Attendance and Participation

Both College of Law and American Bar Association policies require regular classroom attendance by students. Moreover, attendance at and participation in class invariably complements and enhances your and other students' understanding of the assigned reading materials and problems. And, since I typically draw from materials, presentations and discussions highlighted in class on the final exam, regular classroom attendance and participation should provide an added benefit. If an issue arises concerning your regular attendance and participation, please communicate with me about it so that we can address the problem.

Subject to certain exceptions noted below, you will be expected to be prepared for each and every class session. Generally speaking, there will be three (3) ways that you will participate in class: (1) serving on a student panel; (2) volunteering to respond to questions posed in class or asking questions concerning the reading materials and issues raised during class discussions; and (3) being called on randomly to respond to questions in class.

More on the student panel system: commencing the second week of class, I will institute a panel system, whereby two (2) students will be assigned initial responsibility for responding to questions during a given class session. Thereafter, and throughout the semester, I will notify the class on a bi-weekly basis regarding which students will be on call the following week(s). The panel approach is designed to ensure high quality classroom discussion and reduce the delay and “down time” that can occasionally occur when student participation occurs solely on a voluntary or random, cold call basis. It is also designed to encourage participation by students who might otherwise be reluctant to speak in class, and, although not a primary rationale, deter certain students from dominating classroom discussions. Lastly, it is consistent with my belief that (1) higher education is largely a voluntary and collaborative endeavor, albeit an endeavor where students must fulfill certain duties owed to themselves, their colleagues, their professors, and the institution where they study and that (2) ultimately, students, with assistance and direction from their professors and support from their classmates, must take primary responsibility for their own learning. Typically, I will start questioning or class discussion with panel members, move to calling on volunteers or students randomly, and move back to panel members during subsequent questioning or class discussion.

If you find yourself unprepared for class (this, of course, should not occur frequently), please let me know prior to class and I will not call on you during that class session. I would much rather have you attend class and benefit from the class discussion, than miss class because of your lack of preparation. And, if you are unprepared or need to be absent on a day when you are a panel member, please let both me and your fellow panel member know far enough in advance of class so that, if necessary, we can make alternative arrangements.

Recording Class Sessions

Students may not electronically record classes unless they have the express consent of the instructor, except where the Dean of Students has allowed recording as a disability accommodation pursuant to a recommendation by CDAR. Recording classes without the instructor’s express consent violates the Honor Code. Students recording classes as a disability accommodation must follow procedures set down by CDAR. Students who are unable to attend class for reasons of illness or other exigencies must receive permission from the instructor before classes are recorded on their behalf. Contact the Law Library for recording equipment and information on recording procedures.

Reading

I will provide a list of reading assignments from the Fisher text and supplement (and possibly other sources) to you in writing on a periodic (every 2 week) basis. These assignments will enable you to plan your reading so as to be current with class discussions. Please read the assigned materials and problems prior to class and be prepared to discuss them in class.

Problems/Written Responses

As alluded to above, class discussions will often focus on problems from the Fisher text (and from video clips that will be shown in class). Your written analysis and conclusions -- either

in outline form or in a more complete, narrative response -- concerning those problems will enable you to be well-prepared for class and, eventually, for the final exam. You will also have the opportunity, and are strongly encouraged, to prepare responses to the problems and sample exam questions on file in the Course Reserve and Exam Archive on the College of Law Library website and submit them to me and/or your classmates for review and (non-graded) evaluation. I also will assign students responsibility for (1) preparing individual written responses to two of the problems in the Fisher text and (2) meeting with me to receive feedback on their responses. This assignment will not be graded; however, you must turn in a good faith effort on -- and meet with me concerning -- the assignment to receive credit for the class.

Report on Attendance/Viewing of Court Proceedings

To receive course credit, you also must attend and/or view at least one court session where evidentiary issues are raised. Ideally, the session could be a pre-trial hearing on a motion or motions in limine. Alternatively, the session could be an at least two (2) hour segment of a civil or criminal trial where evidence is presented and objections are made to the admissibility of the evidence. Attendance at any federal or state court will suffice. Calendars for federal court hearings, trials and other proceedings can be found on-line at the District of Idaho website or in person at the court, which is located at 550 W. Fort St. in Boise. Calendars for Ada County district judges and magistrates can likewise be found on-line on the Fourth Judicial District website or at the Ada County Courthouse on Front St. in Boise. And, calendars for Latah County district judges and magistrates can be found on-line at the Second Judicial District website or at the Latah County Courthouse in Moscow. You may also satisfy this requirement by viewing on YouTube judicial proceedings concerning the admissibility of evidence. I will provide you with links to YouTube video clips midway through the semester.

After attending and/or viewing the court session, you must prepare and email me a relatively brief (between one-half (1/2) and two (2) page double-spaced) report providing me with the name of the court and judge, the name of the case (*e.g.*, *Bellwood v. Rodriguez*), the nature of the evidence sought to be admitted or excluded, the evidentiary issues raised, the court's ruling on the motion(s)/objection(s), and the rationale, if any, given by the judge. Again, the non-graded, but good faith effort, standard will apply.

Grades -- Final Exam

After weighing the pros and cons concerning the components that will make up your grade in this course and the format of any testing, and in addition to your having satisfied the good faith requirements in the preceding two paragraphs, I have decided that your grade will be based on a single open book, open note final exam administered at the scheduled time during the examination period. The exam will be comprehensive and will include hypothetical problems requiring an essay or short answer response, as well as multiple-choice questions.

Credit Hours for Coursework

In accordance with ABA Standard 310, the College of Law awards one credit hour for experiences that are reasonably designed to involve 50 minutes of classroom or direct faculty

instruction and two hours of out-of-class student work per week, or at least the equivalent amount of work for academic activities including simulation, field placement, clinical, and other academic work leading to the award of credit hours.

The course requirements outlined above with respect to materials and assignments, in my professional judgment, are complex enough in nature that it is expected that the amount of out-of-class time it will take students to complete the assignments will meet the rule.

Professionalism and Civility

In any environment in which people gather to learn, it is essential that all members feel as free and safe as possible in their participation. To this end, it is expected that everyone in this course will be treated with mutual respect and civility, with an understanding that all of us (students, instructors, professors, guests, and teaching assistants) will be respectful and civil to one another in discussion, in action, in teaching, and in learning.

Should you feel our classroom interactions do not reflect an environment of civility and respect, you are encouraged to meet with your instructor during office hours to discuss your concern. Additional resources for expression of concern or requesting support include the College of Law Dean of Students (ktball@uidaho.edu/krunning@uidaho.edu), the University Dean of Students office and staff (885-6757), the UI Counseling & Testing Center's confidential services (885-6716), or the UI Office of Civil Rights & Investigations (885-4285).

Disability Accommodation

Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Ideally, students in Moscow and Boise should meet with CDAR by the end of the first week of class to assess if any accommodations are needed for courses and/or examinations. All accommodation requests are then submitted by CDAR to Dean Ball and/or Dean Running for final approval. CDAR serves as the sole evaluator of medical documentation and determines reasonable accommodations on a per semester basis. The College of Law does not have the authority to evaluate or grant disability accommodations without CDAR first submitting a recommendation. You may contact CDAR by:

- Calling 208-885-6307
- Emailing cdar@uidaho.edu

It is ultimately the student's responsibility to seek a disability accommodation, and until an accommodation is approved by CDAR and Dean Ball/Running, no student will be entitled to receive any accommodations. To learn more about CDAR, visit its website at <http://www.uidaho.edu/current-students/cdar>. Moscow students may also visit CDAR in suite 127 of the Pitman Center. Please review the College of Law Catalog and Student Handbook for more information on the disability accommodation process.