Instructor
Samuel P. Newton

Office
210-A

Office Hours
Wednesdays: 2-5 pm

I’m often in my office. If I’m there and available, I will usually crack my door open. If it is not open, feel free to knock and I will answer if I can chat. Otherwise, please make an appointment.

Phone
(208) 885-7936
(406) 212-5533 (cell)

Email
samnewton@uidaho.edu

Course Overview

Welcome to Evidence! This should be a fun course, I hope. You went to law school probably after enjoying television shows or movies that show lawyers in action in the courtroom. This class will cover the Rules of Evidence—the rules that govern trials. I may ruin movies for you forever! From here on out, you’ll be that annoying person who says “They can’t do that” when you’re watching some show with your friends or family.

Catalog description: The law governing the presentation of proof in Idaho and federal courts.

Learning Outcomes

In this class, we will use some of the College of Law’s learning outcomes, as follows:

LEARNING OUTCOME 2 – LEGAL ANALYSIS AND REASONING

Students will demonstrate the capacity to engage in sophisticated legal reasoning and analysis. Students will be able to:

- Identify the legal rules and principles applicable to a given context
- Identify legally relevant facts, both known and unknown, in a given legal context
- Identify nature and consequence of ambiguities in the facts in a given context
- Identify the legal rules and principles applicable to a given context
- Identify legally relevant facts, both known and unknown, in a given legal context
- Identify nature and consequence of ambiguities in the facts in a given context
• Construct and support an argument grounded in appropriate legal authority and policy considerations, while recognizing and addressing weaknesses thereof.

• Understand role of legal research in identifying applicable law and developing analysis and argumentation relevant for a particular dispute.

LEARNING OUTCOME 3 – ORAL AND WRITTEN COMMUNICATION SKILLS

Students will be proficient at communicating complex legal arguments, reasoning, and analysis, both in writing and in oral communication. Students will be able to:

• Produce written work that is logically organized, clear and concise, free of grammatical, syntactical, and other formal errors, and reflects an understanding of its audience and purpose.

• Orally communicate legal arguments effectively and nimbly.

Course Goals

By the end of the semester, you should be able to:

• understand and articulate the federal rules of evidence;

• make legal arguments about how certain constitutional principles affect the presentation of evidence and about the admissibility of a particular piece of evidence;

• think critically about the merits of the rules of evidence and contextualize the existing rules within broader debates about their utility.

Required Materials


The Staircase, Netflix, DVD

Turnitin Clickers. We will be using these regularly during class for feedback and quizzes.
Major Assignments: Descriptions

Your grade will be assigned as follows:

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<tr>
<th>Assignment</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Quizzes</td>
<td>15%</td>
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<tr>
<td>Final Examination</td>
<td>85%</td>
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<tr>
<td>Participation</td>
<td>± 5%</td>
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**Quizzes**

During class, I will give quizzes on the day’s reading or on the major content of the lecture. I may give more than one quiz in a class period or I may not give a quiz at all.

The quizzes accomplish three goals. First, they ensure that you have done the day’s reading. This is important because it allows us to spend valuable class time not rehashing what you’ve already read, but delving into the nuances. Second, they enable me to get concrete, live feedback on how students understand the course material. For example, if I give a quiz toward the end of class, it is typically to gauge how well the class has comprehended the day’s material. If most students do not understand a concept, then I can adjust my teaching. Third, it allows you, the student, to also get feedback on your understanding of class concepts.

Most quizzes will be graded, though some quizzes are for information-gathering and a logged response counts for full points. I will drop the bottom 20% test scores from all students. You can take your drops for any reason, such as you forget to read, or just for bad scores. (I will also not count any quiz that the vast majority of the class misses.)

**Final Examination**

This examination will be a 4-hour in-class written final with multiple choice and essay-style questions. You will have one hour to read and outline your answer and three hours to write it. The exam will be open book, open note. I would encourage you to prepare your own outline, as it is my experience that students who do so tend to perform better than those to rely on other materials.

**Participation**

This class will involve a lot more participation than most of your other classes. You will be involved in scenarios, questioning witnesses, being a witness, attorney or a judge. I want to simulate courtroom situations as we work through the rules of evidence. I anticipate that most students will get full participation points. I will use participation in two scenarios: to bump a student who has demonstrated consisted participation and preparation. (Please do not dominate all class discussions. But you do want to regularly participate for this bump.) I may also deduct points for non-participation. I will email you if I believe there is a problem in this area. But I also may call on you as well in order to help you in this regard.
Diversity and Nondiscrimination

I assume that all interactions in class will be civil, respectful, and supportive of an inclusive learning environment for all students. If you have any problem, please speak with me, the Dean, or an advisor, about any concerns you may have about classroom participation and classroom dynamics. Importantly, I call your attention to the University of Idaho College of Law’s diversity and nondiscrimination statements, which apply fully in my classroom:

The University of Idaho College of Law embraces diversity within the law school community and the legal profession. Our law school protects and fosters an inclusive and respectful learning environment for the discussion of legal principles, concepts, and practical skills. As a preparatory ground for future practitioners of the law, we adhere to the standards of legal professionalism within our classrooms, our offices, our hallways, our student organizations, our gathering places, and our activities. The calling to law is an important one with significant impacts on society, and as a law school we take that significance to the core of our purpose. The law school community values people of diverse cultures, races, ethnicities, genders, physical abilities, lifestyles, opinions, citizenship, philosophies, sexual orientations, religious backgrounds, ages, life experience, and identities. Diversity is an essential component of the University of Idaho College of Law and requires legal professionalism from all sectors of our community to provide an appropriately respectful learning environment.

The University of Idaho College of Law has a policy of nondiscrimination on the basis of race, color, religion, national origin, sex, age, sexual orientation, disability, or status as a Vietnam era veteran. This policy applies to all programs, services, and facilities, and includes, but is not limited to, applications, admissions, access to programs and services, career services, and employment.

Statement of Grading Approach or Philosophy

The mandatory grading curve has been put on hold by the faculty for this coming semester. Your student handbook has these standards. This is an upper-division courses with 20 or more students so the mean curve would be 2.66–3.00. I do not have to hold to that standard for this course, however, I will try to create a curve that coincides with other faculty members who teach this course in Boise.

Credit Hours for Coursework

Per College of Law guidelines, you should anticipate about six hours of out-of-class work per week.

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 judgement, 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.
Center for Disability Access and Resources (CDAR) Reasonable Accommodations Statement

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 Dodge 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 Dodge, 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.

Course Policies and Information for Students

1. Attendance Policy
   a. Per the College of Law, “[s]tudents are required to attend classes regularly and punctually, pursuant to American Bar Association accreditation requirements.”
   b. I will not take attendance each class period, but you will get a zero if you miss a quiz, which happens most class periods. Absences will also affect your participation grade.

2. Technology Policies
   a. Review this article: Why I’m Asking You Not to Use Laptops. Even if you think you won’t, I promise you will check your phone and surf the internet with your laptop during class.
   b. This kind of multitasking has been shown to impair learning. A study published in 2013 found that not only do multitasking students perform more poorly on a post-class test, but so did the peers who could see the computer. Your online behavior not only distracts you, but it distracts others. Learning does not happen unless all of us are engaged, actively, in the conversation.
   c. Take notes by hand! I did this in law school and it worked. A 2014 study found that students who take notes on a laptop perform worse than those who don’t. The study found that while “taking more notes can be beneficial, laptop note takers’ tendency to transcribe lectures verbatim rather than processing information and reframing it in their own words is detrimental to learning.” In my case, I created outlines on the fly that forced me, in class, to synthesize the material.
   d. It also distracts me. I know when students are engaged in technology rather than the course and it often makes me lose my train of thought.
   e. However, I will not prohibit technology in the classroom. In fact, I will use it in class. You are adults and you know the research. I’m not going to make anyone forfeit his or her
preferred method of engaging with course material. But if you are going to use it, please try to focus on class material. If you need to text or call, please step out of the class.

f. I will allow students who know they can be distracted by technology—or who don’t want to be distracted by it—to sit on the first two rows so they do not have to see others’ online habits.

3. Recording Class Sessions
   a. 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.

4. Civility
   a. 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.
   b. 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 (jdodge@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).

5. Ethics/Violations of Academic Integrity
   a. Please be familiar with the Honor Code and Student Code of Conduct, which apply in this course. I will report any violations of these policies and take them very seriously.

6. Preferred Name/Pronoun Policy
   b. I will use any name or pronoun a student prefers to help create an empowering, safe and nondiscriminatory experience. Please talk with me about your given situation and your preferences if they are different from your listed information.

7. Mental Health
   c. The University maintains a counseling office. Law school can be very stressful. Please take care of your mental health and use these services if you need them! You may contact that office in Mary E. Forney Hall Room 306, by phone at (208) 885-4354, and by email at ctc@uidaho.edu. You may need to call the crisis line at (208) 885-6716 which is open 24 hours a day, 365 days a year.
Disclaimer

I reserve the right to make modifications to this information throughout the semester.

Contact

Please contact me by email, phone, or in person with your questions. My job is to help you understand and learn this material. It really is an honor to be involved in your education and I love personally interacting with you!
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<th>Class</th>
<th>Reading Schedule</th>
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<td>Study Guide, Chapters 1-4</td>
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<td>2</td>
<td>Chapters 5-6, <em>The Staircase</em>, Episode 1</td>
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<td>Chapters 7-8</td>
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<td>Chapters 61-63</td>
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**Final Examination (to be announced)**