Advanced Evidence Syllabus  **Prerequisite: Evidence**

Class Tuesday and Thursday  1:00 – 1:50
Room A250

The course is an in-depth examination of the rules governing the admissibility or exclusion of evidence at trial. The class is intended for students who anticipate being involved in civil or criminal trial work and want a greater understanding how the rules of evidence are applied in Alabama and Federal Courts. The course will require a high degree of student participation in class discussions and in-class exercises.

Textbooks
Required  -  Trial Evidence 4th edition, Mauet and Wolfson (in book store)
Optional -  Gamble’s Alabama Rules of Evidence 2nd edition,

**Week 1**

Advocacy and trial evidence
The Role and Power of the Trial Judge
Rules – FRE & ARE 102, 611, 614, 104, 103, 105
Problems 2.4, 2.8, 2.9, 2.11 (all problems are on the CD in the Trial Evidence Book)

**Week 2**

Opening Statements
Inadmissible evidence
Arguing
Stating personal opinions
Discussing law
Discussing the opponents case
Problems 3.1, 3.3, 3.6, 3.8, 3.9, 3.11

**Week 3**

Basic Considerations in Direct Examination
Competency
The Rule
Personal knowledge and opinion
FRE & ARE Rule 611 & 612
Problems 4.1, 4.4, 4.10, 4.13, 4.14, 4.15, 4.19, 4.20

**Week 4**

Character issues in Direct
403 and relevance
Character and habit
Problems 5.3, 5.5, 5.8, 5.10, 5.27, 5.31, 5.37, 5.45, 5.56, 5.58

**Week 5**

Hearsay issues in direct examination
A second look at the definition of hearsay
Prior statements
Admissions
Problems 6.1, 6.2, 6.4, 6.5, 6.10, 6.13, 6.15, 6.16, 6.19, 6.22, 6.23, 6.25, 6.26
Week 6 & 7
Hearsay continued
803 exceptions
804 exceptions
806 attacks
807 – Is it really a catchall exception?
Problems 7.1, 7.6, 7.9, 7.12, 7.13, 7.17, 7.18, 7.23, 7.30, 7.35, 7.36, 7.38, 7.39, 7.42, 7.52, 7.54, 7.56, 7.57, 7.58, 7.61

Week 8
Direct and Privileges
Policy exclusions
Privileges
Problems 8.2, 8.3, 8.6, 8.9, 8.11, 8.20, 8.24, 8.25, 8.26

Week 9
Direct and expert witnesses
Understanding Frye and Daubert

Week 10
Exhibits & Documents
The power of exhibits
Building a foundation
Problems 10.1, 10.4, 10.8, 10.9, 10.12, 10.15, 10.16, 10.18

Week 11 & 12
Cross examination and impeachment
The rules of cross
Impeachment or not
Problems 12.3, 12.5, 12.7, 12.9, 12.10, 12.11, 12.17, 12.21, 12.25, 12.26, 12.29, 12.30

Week 13
Redirect and Re-cross

Week 14
Closing Argument