Advanced Evidence Syllabus  Prerequisite: Evidence

Class Tuesday and Thursday  9:45 – 10:35
Room A245

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 5th 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