INTRODUCTORY SYLLABUS

EVIDENCE

Law 536 § 1 - Room 102

Prof. Jennifer Brobst
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Class Times:
11:00am – 12:15pm (Mon/Wed)
11:00am – 11:50am (Fri)

Office Hours:
12:30 – 1:30pm (Tues/Fri) or by appointment

LEARNING OBJECTIVES. At the end of this course, students will be able to correctly apply the Federal Rules of Evidence when arguing for and against the admissibility of evidence in civil and criminal litigation, by identifying the purpose for which evidence is offered, the applicable rule for that purpose, and critically assessing the strategic risks of admitting or excluding such evidence. Students will also learn to identify, interpret, and argue for and against the application of several federal constitutional provisions in criminal cases that overlap with evidentiary concepts, such as the right to confrontation and right to present a defense.

GRADED ASSIGNMENTS.

5% - Trial Team (group score)
15% - Writing assignment (practice essay (10%) and rewrite (5%))
20% - Multiple Choice Quizzes (best 4 of 6)
60% - Final Exam (multiple choice and essay, FRE rule numbers and titles provided)

TRIAL TEAMS. There will be 12 to 13 teams of 5 members each. Each team will be required to create and demonstrate one short trial practice role play in front of the class, in addition to serving as commentators on the role play of at least one other team.


FEDERAL RULES OF EVIDENCE (FRE). The FRE are listed at the back of the Merritt textbook, but you may also access them here online: https://www.law.cornell.edu/rules/fre.

ONLINE COURSE FLASHCARDS. I have created a set of flashcards specifically for our class and for our quizzes and exam. Cards in RED should be learned verbatim, while cards in BLACK should be studied for their basic elements and concepts. Cards will be added gradually as the course progresses. See http://www.flashcardmachine.com/3458061/4p6s.

OTHER MATERIALS. There will be other reading and practice materials as assigned in class or on the TWEN course page. Be careful about purchasing too many supplementary materials. More is not better. You need to be strategic and efficient in studying. If you find you are superficially studying a variety of expensive resources and still not understanding the material in class, then you probably need to slow down and spend more time reading carefully and placing the material in context with previous chapters in the assigned text.

EMAIL CORRESPONDENCE & TWEN. Students must regularly check and be responsive to email communications with faculty. Students must also use their assigned siu.edu email address for law school related business. See http://law.siu.edu/_common/documents/rules-code/email-rule-ay14-15.pdf. Students are expected to regularly check the TWEN course page for syllabus updates and assignments.

CALENDAR & MAKE-UP CLASSES. Classes that meet on Mondays must add a make-up day to make up for Labor Day. Classes that meet on Fridays must add a make-up day to make up for Veterans Day. Our course must make up both. These make up sessions are needed to ensure our classes meet ABA credit hour requirements. For the approved calendar for the fall semester see http://law.siu.edu/_common/documents/calendar/fa16-calendar.pdf. Occasionally I may need to miss a class for an event or conference, in which case I will usually prepare a podcast or take home assignment to make up the class.

WORKLOAD PREPARATION EXPECTATIONS. According to ABA Standard 310(b)(1), a credit hour is an amount of work that reasonably approximates not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time. At SIU, Evidence is a 4-credit hour class, which means that you should prepare approximately three hours for each class on Monday and Wednesday and two hours for class on Friday.

ATTENDANCE. Evidence is a course that truly requires regular attendance in order to keep up with the work. It proceeds quickly and is cumulative in nature: rather than large, independent concepts, it involves many short concepts and rules that build upon each other. If you miss a link in the chain, then it is particularly challenging to keep up. According to the SIU School of Law Rules of Attendance: “Class hours will be calculated on a fifty minute basis. Absent agreement of the instructor, missing all or part of a class counts as missing all of the class minutes for that class.” See http://law.siu.edu/_common/documents/rules-code/attendance-rules-ay16-17.pdf.

The maximum number of absences permitted in this 4-credit course is eight (8) 50 minute classes. This means that missing a 75 minute Monday or Wednesday class counts as a 1.5 absence, while missing a 50 minute Friday class counts as a single (1) absence. Students who are substantially unprepared for class may be deemed absent, but you should stay and observe rather than miss class. I do not grant passes for lack of preparedness. You must sign the attendance sheet yourself; signing in for any other student will be considered an Honor Code violation.

ILLNESS, CHILDREN & VISITORS. You may bring visitors, including children, to class as long as you obtain permission before class starts. I may occasionally say no if they are contagious (e.g., flu), disruptive (e.g., flying airplanes), or the subject in class is inappropriate for their age.
EMERGENCY PROCEDURES. SIU Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, on www.bert.siu.edu and www.dps.siu.edu, and in the Emergency Response Guideline pamphlet. Know how to respond to each type of emergency. Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. BERT will provide assistance to your instructor in evacuating the building or sheltering within the facility. Note that most of the School of Law’s BERT are members of the administrative staff, rather than faculty, so please follow and respect their directions in an emergency.

DISABILITY POLICY. At SIUC, Disability Support Services (DSS) provides the required academic and programmatic support services to students with permanent and temporary disabilities. To utilize DSS services, please contact DSS (see http://disabilityservices.siu.edu/). Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations. In addition to this official policy, please also feel free to contact me if you have any concerns, whether or not you have a formal disability designation.

SALUKI CARES. This is the SIUC counseling center, which your tuition dollars pay for, so please do not hesitate to take advantage of these services if you need. The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. Saluki Cares: (618) 453-5714, or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135. Please also note that Carbondale also offers free support resources in the community if you would prefer not to use campus resources (e.g., Women’s Center (http://www.thewomensctr.org/); Jackson Co. Health Dept. (http://www.jchdonline.org/)).

LAPTOP POLICY. Laptops are useful tools for outlining and research in class, but only when used wisely. Research consistently shows that the act of handwriting notes fosters memorization and understanding. Also, in the legal profession, attorneys quickly obtain a poor reputation when they are seen to be disengaged in meetings or court, using personal devices for personal matters when they should be working. The same holds true for law students, who should present themselves professionally to their professors as future references and to their peers as future colleagues.

RECORDING POLICY. You may record and share any of my lectures without prior approval, by video or audio, as long as they are used and shared for educational purposes related to studying for class or the bar examination. If you have a private matter to discuss with me, please wait to see me in my office rather than risking the recording of a conversation in the classroom.

FIRST ASSIGNMENT. Please see the TWEN course page for the first reading assignment for class.