FIRST WEEK READING - REVISED
Evidence – Bowman – Fall 2017

A SPECIAL NOTE ON SCHEDULING:

I recently found out that I have medical issue that will require fairly major surgery, now scheduled for October 12. Recovery from this surgery will take somewhere between 2-4 weeks.

Therefore, for the first seven weeks of the course, we will meet five times per week, rather than four. The additional session is currently scheduled to occur at 1-1:50 each Tuesday. As a result, by October 12, we will be about two weeks ahead of the normal progression of the class. If I am able to return within two week of the surgery, we will simply pick up where we left off and finish out the semester. If the recovery looks to run longer, Professor Trachtenberg has generously agreed to step in to teach to whatever degree is necessary.

The materials you are required to have for this class are:

1. Christopher Mueller and Laird Kirkpatrick, Evidence Under the Rules: Text, Cases, and Problems (8th Ed. 2015);
2. Daniel J. Capra, ed., Federal Rules of Evidence 2017-18, with Evidence Map (by David Faigman);
3. Supplemental Materials for Course in Evidence (posted in segments on Blackboard);
4. Occasional photocopied materials to be distributed in class.

The Mueller & Kirkpatrick and Capra books are available in the bookstore or on-line.

Reading Assignments: 8/21-8/24/17

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<tr>
<th>Session</th>
<th>Subject</th>
<th>Assignment</th>
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<tr>
<td>Mon., 8/21</td>
<td>Why Rules of Evidence?</td>
<td>Mueller and Kirkpatrick (M&amp;K) 1-20 (up to, but not including, § D)</td>
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<td>Tues, 8/22</td>
<td>Fundamentals of Courtroom</td>
<td>*M&amp;K 20-24 (up to, but not including, “The special case of the accused as witness);</td>
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<td>Presentation of Evidence</td>
<td>*M&amp;K 27 (beginning with “c. Real Evidence”) to 33 (up to, but not including, list of common “formal objections”);</td>
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<td>*M&amp;K 713-717; 734-736 (up to, but not including, Notes)</td>
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<td>**”Stages of American Jury Trial” – posted on Blackboard under “Course Documents”</td>
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**Tuesday, 8/22**

**SECOND SESSION – 1:00 – 1:50**

**Admitting and Excluding Evidence**

*M&K 31-50 (not Problem 1-B);

*Excerpt from Goode & Wellborn (posted on Blackboard under “Course Documents”)

*Fed. Rule of Evidence (FRE) 611

Transcript exercise, *United States v. James*: Together with the other members of your trial team, consider the direct and cross-examinations of Amanda and Hilda Swinton. Identify all possible objections to the form of these questions and answers. Refer to the lists of objections as to form in M&K and the Goode & Wellborn excerpt. Be prepared to point out and explain your objections in class.

DON’T FORGET to TAKE PRE-QUIZ #1 on Lexis-Nexis Blackboard BEFORE 1:00 CLASS today – Tues., 8/22

**Wednesday, 8/23**

**Who may be a witness? (Competence)**

M&K 487-497; FRE 601, 602, 603; skim 505-509

Transcript exercise, *United States v. James*: Together with the other members of your trial team, consider the examination of Amanda and Hilda Swinton. Odd-numbered trial teams should be prepared to argue that Amanda Swinton is competent to testify. Even-numbered trial teams should be prepared to argue the reverse. All teams should consider whether a colorable objection could be made to the competence of Hilda Swinton based on the record so far.

DON’T FORGET to TAKE PRE-QUIZ #2 on Lexis-Nexis Blackboard BEFORE CLASS today – Wed., 8/23

**Thursday, 8/24**

**Competence II**

M&K 487-497; FRE 601, 602, 603; skim 505-509

**TRANSCRIPT EXERCISE:** Trial Team 2 should be prepared to argue that Amanda Swinton is incompetent. Trial Team 9 should be prepared to argue that Amanda Swinton is competent. Trial Team 3 should be prepared to discuss the pros and cons of the competence of Hilda Swinton.