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If disability related accommodations are necessary (for example, a note taker, extended time on exams, captioning), please register with the Disability Center (<http://disabilitycenter.missouri.edu/>), S5 Memorial Union, 573-882-4696, and then notify Dean Mitchell of your eligibility for reasonable accommodations. For other MU resources for students with disabilities, click on “Disability Resources” on the MU homepage.

## **EVIDENCE**

Spring 2020

Professor Ben Trachtenberg

Class: Monday/Wednesday/Friday, 11:30 – 12:40 p.m., Room 7

Office Hours: By appointment, Room 319

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## **FIRST WEEKS' ASSIGNMENTS**

### **Course Materials**

The textbook is George Fisher, *Evidence* (Foundation Press, 3d ed. 2012) (ISBN-10: 1609300602). We will often make reference to the Federal Rules of Evidence (“FRE” or “Rules”); while the Rules are widely available online and have certain portions reprinted in the textbook, you also may wish to purchase George Fisher, *Federal Rules of Evidence 2018-2019 Statutory & Case Supplement* (ISBN-10: 1640209395).

***Some thoughts on the Supplement (whether it is worth buying, and how you might save some money):*** I strongly recommend buying the supplement. Many students will find it helpful because the Federal Rules of Evidence were amended (“restyled”) as of Dec. 1, 2011, and the supplement illustrates all the changes (many important cases quote the old version of the rules, so seeing the changes can be useful). It also contains some important cases decided since the casebook was printed. Note, however, that much of the material in the 2018-2019 supplement also appears in the previous two versions (“2017-2018” and “2016-2017”). So an older edition of the supplement, if available used at a low price, might be sensible to buy, as long as you then track down a small amount of extra material on your own. Some material assigned for our first week is available only in either the newest edition of the supplement (2018-2019) or the 2017-2018 version.

Note that Fisher did not produce a 2019-2020 edition of the supplement because not enough had changed to justify a new book. The 2018-2019 edition is the latest version.

The casebook and supplement should be available at the MU Bookstore, as well as from other retailers.

In addition, I will place one copy of each book on reserve at the MU Law Library. Also, Chapter 1 of the casebook (which includes reading assignments through the middle of Class 5) is available on the course TWEN site (at no charge) as a PDF.

### Class Assignments—Opening Weeks

For each and every assignment, please be sure to read the relevant section(s) of the Federal Rules of Evidence, as well as the advisory committee notes and legislative history. (When the casebook says “Focus on FRE 401,” for example, please read Rule 401 and its notes.) When an assignment refers to “Supp.,” the material is available in the statutory supplement. Students choosing not to buy a supplement are responsible for finding the material elsewhere.

Wed., Jan. 22 Class 1	<p><b>Introduction to Evidence</b></p> <p>Casebook Pgs. 1-17 (including Problem I.1) Supp. FRE 606(b)</p> <p><b>Note:</b> Skip the material beginning on the middle of page 17 (titled “Tanner v. United States: Afterthoughts”). It is replaced by material in the Supplement that is assigned for Class 2.</p>
Fri., Jan. 24 Class 2	<p><b>Relevance Basics (Part I)</b></p> <p>Casebook Pgs. 22-34 Supp. FRE 401 &amp; 402, FRE 606(b); Supp. pages 499-511</p>
Mon., Jan. 27	<p><b>No class this day. Make-up will be held on Jan. 28</b></p>
Tue., Jan. 28 Class 3 <b>1 p.m. make-up</b>	<p><b>Relevance Basics (Part II)</b></p> <p>Casebook Pgs. 35-58 Supp. FRE 104(b) &amp; 403</p>
Wed., Jan. 29 Class 4	<p><b>Relevance (Evidence of Flight, Probability)</b></p> <p>Casebook Pgs. 58-80 Supp. FRE 403 (again)</p>
Fri., Jan. 31 Class 5	<p><b>Relevance (Stipulations), Specialized Relevance (Subsequent Remedies)</b></p> <p>Casebook Pgs. 80-94, 95-113 Supp. FRE 407</p>