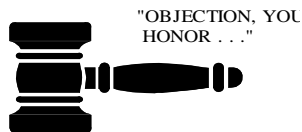
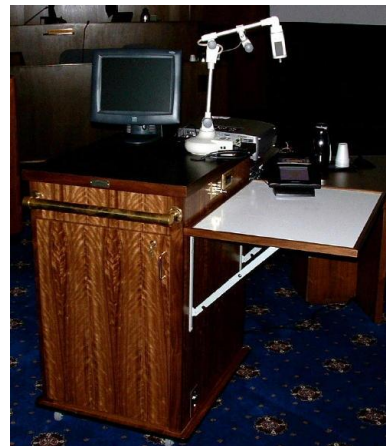


Evidence

Professor Fred Galves

COURSE DESCRIPTION OF EVIDENCE



UC DAVIS, KING HALL SCHOOL OF LAW

FALL Semester, 2014

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EVIDENCE
Mondays & Wednesdays
Thursdays

CLASSROOM "1001"
8:35 A.M. - 9:50 A.M.
9:00 A.M. - 9:50 A.M.

I. Course Description

The Law of Evidence is the study of: (1) how and why proposed exhibits, and testimony of witnesses, are admitted “in evidence” for consideration by the “fact-finder” at trial (the fact-finder is either the jury in a jury trial, or the judge in a bench trial); as well as, (2) the specific purpose(s) for which that evidence can be used. The Rules of Evidence regulate the manner in which litigants present their testimony and exhibits at trial in both criminal and civil cases. The rules sometimes apply in hearings, and, to some extent, in depositions, as well as other discovery settings. The goal of the Law of Evidence is for the fact-finder to be able to make factual determinations in a rational and logical manner, based solely on properly admitted and valid evidence. The objective is to ensure that the administration of justice in each case comports with the truth—that which actually happened in the case. In short, you can think of the Law of Evidence as the “law of the trial.” It governs the admissibility of testimony and exhibits in an attempt to ensure that trial resolutions of disputed facts are legitimate findings of the truth, balanced against various evidentiary policy concerns and efficiency considerations in our adversarial system of justice.

A. Teaching Objectives and Learning Outcomes of the Course

In addition to discussing evidentiary issues and examining the context in which legal decisions are made, we shall consider the form and rhetoric of legal argumentation and legal reasoning employed at trial; and, when applicable, in pre-trial, as well as post-trial appellate settings. The purpose of this exploration is to give the student a theoretical *and* practical experience in confronting the many types of evidentiary issues one would likely encounter in practice. Particular emphasis will be placed on the Federal Rules of Evidence (“FRE”), and their application and interpretation. However, we shall also consider the California Evidence Code (“CEC”) to the extent that it differs significantly from the FRE. The FRE are the majority of evidence law that is tested on the California Bar Exam; however, California evidence law is also tested on the Bar exam, and so that is why we also consider the CEC when it differs significantly from the FRE. To that end, please pay close attention to the footnotes explaining such California distinctions in the “Intro & Overview” in the “Rules of Evidence APP” (see below). On rare occasion, we shall also consider international/global evidentiary and trial issues.

After taking this course, the student should have a very strong understanding and professionally competent working knowledge of: (1) each of the FRE (and key CEC distinctions); (2) the various intricate exceptions to each of those rules; and, (3) the underlying rationale and policy considerations informing each rule. Even more importantly, the student should be able to apply the rules capably, in a realistic trial setting, both extemporaneously by making and responding to objections orally, and by being able to advocate admissibility issues in written form in *motions in limine*, with points and authorities briefs, requesting pre-trial rulings on the admissibility or exclusion of various items of evidence. Thus, the student should be able not only to *understand* the rules of evidence, and *know* how they are *interpreted* by the courts, but also the much more difficult skill of being able to *recognize* evidentiary issues in various realistic legal and factual settings, and quickly *make and respond to objections* regarding those evidentiary issues.

B. Course Methodology

This course will consist primarily of lecture, dialogue, and class discussion. Throughout the course, I shall call randomly on students as well as request volunteers. Students who are not prepared for class will miss much of the material and will fail to contribute to the class. Accordingly, class participation is extremely important. Therefore you will be expected to: (1) be ***prepared*** for each class; and, (2) ***participate significantly*** in class discussion and court simulations, both when called upon and by volunteering insightful comments and observations.

The casebook for this course is a combination of cases, commentary, and problems. We will read and consider many problems and hypothetical situations, not just cases. The legal arguments you develop and the time you spend preparing the problems and manipulating the rules may be more significant than the time and effort you spend discerning legal principles from the edited cases. Finally, note that the FRE, and the corresponding Advisory Committee Notes, are already contained in the Casebook. They are also contained in the “Evidence APP” for you as well.

At the end of each case or subsection in the book, there are “Points for Discussion” or “Hypos” that illuminate issues from the case, the rule at issue or the legal subject matter at hand. These points are designed to be helpful in more fully understanding the cases and materials. **You should be prepared to discuss these points in class** (although we often will discuss only some of them). I strongly recommend that you prepare short written answers to the questions and hypotheticals. Moreover, you should discuss the “Points for Discussion” and “Hypos” in your study groups before you come to class.

I also strongly recommend that you prepare *case briefs* for class (much like you did during your first year of law school). Preparing these briefs will be helpful to you in understanding class discussion and in responding to questions. Most importantly, the process of preparing a brief will sharpen your legal issue-spotting and analytical skills, which of course continue to be important throughout law school. At the end of the semester, your briefing skills will serve you well on the final exam. You should prepare your briefs on your own and then review them with classmates in a study group before class. You then should review your briefs once again after class and revise them as may be necessary in light of class discussion—and then later incorporate them into your notes/course outlines, as you prepare for the quizzes and exams.

Being involved in a well-organized, well-run study group can significantly help you to develop your issue-spotting and legal persuasion skills. These skills are very difficult to develop through just the passive learning act of reading on your own and merely listening in class. A study group should be small and efficient. Three to five people is probably optimal. You should have a set agenda and routine in order to make the best use of your valuable and limited time. When you are an attorney, much of your time will be spent consulting with other attorneys, so in law school you should get used to collaborating extensively with your future attorney classmates.

After each week of class, you should spend at least a few hours over the weekend reviewing and then summarizing your class notes from the previous week. Saturday mornings are a good time to do that because you have the rest of the weekend to prepare for the coming week. You must make sense of ***what you are learning, as you are learning it***. Synthesizing your notes weekly will help you to understand the law and to keep up with the material as it is being covered.

Your goal should be to engage in **good quality** class participation. Monopolizing class time with insignificant or unhelpful comments will not be looked upon favorably. Conversely, merely voicing one or two interesting statements throughout the semester will be insufficient, even if such statements are cogent, well-articulated, lucid, and insightful. Accordingly, a balance between **quality and quantity** of class participation should be your aim.

II. Schedule and Class Attendance

Regular and punctual attendance is required. We shall meet every Monday, Wednesday, and Thursday morning. On Mondays and Wednesdays, class will begin precisely at 8:35 a.m. and continue until 9:50 a.m. On Thursdays, class will begin precisely at 9:00 a.m. and continue until 10:00 a.m. Please be punctual as any student who arrives late is not only disruptive to other members of the class, but that student will be marked late, and may even be marked absent. ***Please sign the sign-in sheet that will be distributed in each class. Excessive absenteeism will result in a lowering of your grade or may even result in failure (see “Course Grading” below).***

Please understand that if you are, or plan to be, absent, you do not need to provide me with an excuse as I will assume you have a very good reason for missing class. However, please also understand that such absences will still be recorded, no matter what the reason. You must come to class just as you will have to go to court or show up at your office when you are an attorney – punctual attendance is therefore part of your class participation assessment. A seating chart for the class will be distributed during the first class session, so please determine where you would like to sit during the first class (please sit in the front rows if possible). Note that I use the screen above and behind me for computer images in every class.

In addition to regularly scheduled classes, we may meet occasionally during off hours in order to have special review sessions, (attendance will be **OPTIONAL** for these additional meetings). The times of such additional meetings will be announced. They are optional, but you probably will find them helpful so you should try to attend, IF your schedule permits. I also will record/video them so that you may review them on your own at a more convenient time.

Finally, please note that before some classes, I might provide very short, 15- to 20- minute video explanations of the rules and/or of the cases, available to you on the “smart site,” in order to help you better prepare for class. This access of short video explanations will allow us to use more in-person class time to engage in more hypotheticals, simulations, and role plays, so that more class time can be used to engage beyond merely going through the rules and the cases. The purpose is to make it possible to spend more time learning experientially, and through interactive collaboration. In addition to the casebook, we will use an Evidence Simulations book (see below) that will allow us to engage in various attorney and judge role plays in order to help your understanding of the application of the rules of evidence in a realistic legal setting.

III. Course Grading

Your final grade will bases on the following two (2) areas:

A. Three Multiple Choice Quizzes (30)%

During the course, we will have three (3) short, in-class, multiple choice quizzes covering the material we will have studied up to that point. The quizzes will be: (1) in early September (early on, over the “Intro & Overview,” testing your preliminary foundational understanding of Evidence); (2) Mid-October; and, (3) the last week of class during early December. These quizzes will give you helpful feedback on how well you understand the material. They also will incentivize you to begin putting together mini-outlines of the course material much earlier than normal so that you do not leave it all to the end of the course. Each quiz is worth 15% of your final grade; so, 3 quizzes x 15% each = 45% of your final grade. However, I will discard your lowest quiz score at the end of the course, so that only your two highest quiz scores will count toward your final grade, thus, 2 quizzes x 15% each = 30% of your final grade. I will attempt to get the quizzes graded and back to you by the following week, with the answers/analysis, so that you can then update your outlines and identify your personal areas of strengths and weaknesses. I also can then better assist you individually with any deficiencies or problematic areas that you may be encountering.

B. Final Examination (70%)

At the end of the course, we will have a three-hour *comprehensive* final examination. The final exam include a mix of multiple choice questions (one-hour), an essay question (one-hour), and a “performance test” question (one-hour). It will be like a “Mini-California Bar Exam” in terms of test format. The final exam will based on a hypothetical case with various case materials, exhibits, pleadings, etc., that will be distributed to you a few weeks in advance of the exam. The exam will be “open book” which means that you will be allowed to bring in any materials you choose, just as you would if you were a real attorney. You therefore will have ample time to prepare the factual situation as if the final exam were a trial. Accordingly, you should consult with students in your study group as if you were preparing with other lawyers for an upcoming trial. However, please understand that the final exam will be very challenging so merely looking in your notes for “canned” answers will likely lead to a poor performance.

On the essay portions of the exam, maximum credit will be given to those answers that both identify the problems posed in a comprehensive fashion and demonstrate a thorough, effective, and balanced analysis of how those problems should be solved. Less credit will be given to answers which merely state opinions or unsupported conclusions, or which simply recite abstract principles of Evidence law from hornbooks or commercial outlines without **applying** those principles to the facts of the given hypothetical. Thus, in taking the essay portion of the exam, students should spot the issues and thoroughly analyze them from all perspectives. Essay exam questions will focus on: (1) the gray areas of the law where there often is not only one, or even any “correct,” definitive answer; and, (2) on fact patterns which fall both squarely on and in between different rules of law. **In no event shall any grade be changed on the exam except to correct an obvious mathematical or clerical error.**

Please understand that I am primarily testing your legal reasoning and analytical abilities, not simply your memory, although excellent recall of the material will be necessary in order to write a high quality exam answer.

C. Class Participation (1/3 Letter Grade Possible Adjustment)

I MAY make a 1/3 letter adjustment (either an increase or a decrease) to your final grade based on your class participation. The three multiple choice quizzes together are worth 30% of the final grade (2 quizzes [that count] x 15% for each quiz = 30%); and the Final Exam is worth 70% of your final grade; so the quizzes and the exam together constitute 100% of your final grade for the course. However, your final grade for the course may be raised or lowered by one third-letter (from a “B” to a “B+,” for example) based on class participation. Therefore, class participation **may** affect your final grade at the extremes. It can affect your final grade positively, if it is extremely good, or negatively, if it is bad or non-existent; otherwise, it probably will not affect your final grade.

I consider good class participation to be, at a minimum, a thorough understanding of the case, rule, or hypothetical at issue, the ability to articulate that understanding in a precise, effective, and persuasive manner, and the ability to consider further or deeper implications of the issues and competently articulate those implications. In the past, typically 10-15% of students in the class have had their grades adjusted positively for good participation, while 10% have had them adjusted negatively for poor class participation. Obviously, attendance is necessary to engage in good class participation (you have to be there to participate). Consequently, please understand that poor class attendance will often result in a lowering of your final grade by a one-third letter.

To maximize your likelihood of success, always: (1) come to class prepared; and, (2) get involved in the class discussion. You are adequately prepared if you have carefully read the assigned materials, answered questions posed in the materials, and struggled to discern where these materials “fit” in the course. You are sufficiently involved in the class discussion when you are actively listening to your colleagues and volunteering additional relevant comments, criticisms, or perspectives. The touchstones of meaningful participation are precision (both in listening and in speaking), clarity, and respect. Don’t be afraid to be “wrong.” You must learn how to articulate a position effectively and learn the art of advocacy the only way that one can—by experience. Participation dramatically improves your comprehension of the course materials and thereby makes it much more likely that you will earn a higher grade.

IV. Use of Laptops, I Pads, Cell Phones, Etc., During Class.

Modern technological/digital devices are very powerful and helpful tools that can greatly assist in our learning, organizing, and understanding of legal concepts and information in this course. However, these devices can also be extremely distracting to other students during class, as well as sometimes even being counter-productive to the user who is trying to learn and master new material. In the end, such devices are just “tools;” and like any other tool, they can be used either for “good,” or for “evil”—that is, they can be used during class either properly, or improperly.

Although it is tempting to issue a complete ban on such devices during class because the information can be either too alluring, and/or too distracting; the goal in law school should be for future lawyers to learn HOW to use such devices *professionally, responsibly, and productively*, instead of not using them at all. Successful lawyers are not on Facebook, Twitter, YouTube, or checking box scores and doing online shopping during court, or when they are in client meetings, because what they are doing professionally is far too important and demands their full attention.

We similarly should aim for that same level of professional commitment in class, especially because we are engaged in learning which often demands even more focused and undivided attention than in court. As a result, please refrain from abusing access to the internet during class. There is certainly enough substantive law to learn in this course such that wasting precious class time on the internet will not help you to learn Evidence this semester. Again, it is important to learn how to use computers effectively and responsibly while you are in law school. However, if the distraction becomes a problem, I would ask that students please let me know about it, or any other issue, which might be making it difficult for one to learn during class. There is certainly a proper place for technology in the practice of law, so we need to learn that proper usage and professional etiquette while in law school. Accordingly, please do not ruin it for others, and also for yourself, by using technological devices inappropriately during class. Along the same lines, please refrain from leaving for short periods during class, unless it is an actual emergency. I realize that you are busy, but please turn off your cell phones so they do not go off during class (and please do not read or send text messages). These unscheduled breaks and cell phone interruptions can be very disruptive to your classmates, as well as to your future clients.

V. Course Materials

The **REQUIRED** texts for this course are the following:

- (1) Sydney Beckman, Susan Crump, Fred Galves, Evidence: A Contemporary Approach, (West Publishers, 2nd Edition, 2012) (“**The Casebook**”)—this is a new version of the casebook, and it has online sign-up features.
- (2) Fred Galves, Edward Imwinkelried, & Thomas J. Leach, Evidence Simulations (West Publishers, 2013/“Bridge to Practice Series”) (“**The Simulations**”)—new publication.
- (3) Fred Galves, Evidence: Introduction and Overview — (“**The Intro & Overview**”). This short supplement will be read during the first few class sessions and should be consulted throughout the course. The Intro & Overview provides a “big picture” of the Law of Evidence before we dive into the minutia (available on the Galves’ FRE APP).

RECOMMENDED texts (available in the library/bookstore/or online) are:

- (1) Arthur Best, Evidence: Examples & Explanations, (Aspen Pub.) (This booklet contains good hypos so that you can study actively; good for use in a study group).
- (2) Charles B. Gibbons, A Student’s Guide to Trial Objections (This booklet may be helpful to you as it is a way to connect many common trial objections (organized alphabetically) with the Federal Rules of Evidence (which are organized numerically)).

You will need to bring your Casebook to class and have the FRE available to consult during class, along with any pertinent supplemental materials for that particular class, as well as the “Intro and Overview” (and the FRE APP).

Also, please note that I distribute a *class outline* for each class on the course webpage, (see below). These class outlines contain the main topics and cases we will cover for that particular class. The class outlines will help you to organize your class notes (you can print out the class outlines and use them as cover sheets for that particular day's class notes). The class outlines will inform you where we will begin the next class in case we ever fall behind schedule so that you always know right where we are in our course coverage.

Finally, please note that I use *computer images daily in class*. Therefore, you should select a seat where you can easily view the screens. The information contained in the computer images on the screens will help to organize class discussion and facilitate your note taking. However, **DO NOT ATTEMPT TO SIMPLY COPY ALL OF THE CONTENTS ON THE COMPUTER SCREEN**. The images and text are informational slides designed to get you to understand and think further about the legal concepts being considered for that particular class. They are just foundational catalysts for class discussion and exploration of the material.

VI. Web Page – “Smart Site.”

We have a class Web Page for Evidence. We will use the “Smart Site” in this course. If you have not already done so, please login to the Smart Site. Once there, begin to explore the tools and documents available on the site. If you have trouble logging in, please contact the IT Department/library.

The Smart Site page for Galves’ 2014 Fall 219 Evidence course will contain our class assignments, class outlines, class announcements, and other pertinent information, and perhaps most useful for you during the semester, a discussion room for you to leave questions or comments for me, as well as other class members. Also, actual judges and attorneys might be “virtual classroom participants,” so they can respond to your comments and leave comments of their own for your consideration. My hope is that we can have an interesting and helpful discussion and interaction **OUTSIDE** of the classroom via the Smart Site page. This will also be the site where we will hold online review sessions so that you can access them on your own time and over the weekends. I might also post short weekly explanations (perhaps 15-20 minutes) of basic foundational material for the upcoming class as a sort of “preview” of class. Although these videos are **OPTIONAL**, I strongly recommend them to you.

Please note that although I am happy to answer any and all questions, the Smart Site page should not be used to ask questions without at least preliminarily trying to determine the answer on your own. It is more helpful when I know what you have considered already before I attempt answer any question you may have. Also, my e-mail address is: “**fgalves@pacific.edu**,” but please use the Smart Site page for any Evidence questions that you may have so that other students can share their ideas and reactions to your questions and comments. Even if you do not have any specific questions, please access the page before each class to see/read what other students are asking and saying, and see how I am responding, etc. Note that students who consult the Smart Site page often realize they did not actually understand some aspect of Evidence that they previously thought that they did understand. Following discussions on the site is often a helpful way to check your own understanding of the material.

VII. Website: “www.fredgalves.com”.

I have a personal website for students, professors, lawyers, judges, and any other persons interested in the law. There are many articles and helpful items on the website that you may find useful. Please feel free to explore the site, but I direct you specifically to the “Links” item on the left-hand side menu for helpful Evidence links and academic resources.

In addition to exploring my Website, you can always access our Smart Site page where there will be our class outlines and assignments for each class (please also see the “Syllabus,” “Resources,” and other features on the Smart Site page). When you sign up for the Smart Site, please make sure to use your correct, current, accessible e-mail address so that you will be notified when new postings are made; if not, then you will have to constantly be checking the Smart Site to see if anything new has been posted (you should already be automatically loaded in, but check to make sure).

VIII. Office Hours.

My office is located on the second floor, I will be using Dean Vik Akram’s academic office, Rm. 2114. The following are my office hours for the Fall, 2014:

Mondays	10:00 a.m. – 12:00 noon
Wednesdays	10:00 a.m. – 11:30 a.m.
Thursdays	10:00 a.m. – 11:00 a.m.

Also, I usually shall be available by appointment. Make sure to take advantage of office hours. You should not feel bashful about coming to office hours – law school is hard and we professors are here to help you. It is your education, so you need to make sure that you take advantage of all opportunities to learn and prepare for your career. You are going to be someone’s champion someday, either in court or in some other legal setting, so you should make the most of this academic experience, not only for yourself, but for your many future clients who will be depending on you.

IX. Teaching Assistant: Sophia Tornatore, 2L.

The law school is interested in providing teaching assistants for all bar-related courses in law school, not just for first-year required courses. For this course, we are very fortunate to have Sophia Tornatore, a second-year law student, who took this course last spring semester, did extremely well in the course, and will be available to help you study and prepare for class, quizzes, and the final exam. I have also asked her to assist during my office hours, and she will have her own office hours as well.

IX. Course Assignments for August and Septemeber (The Syllabus/Schedule for the Rest of the Semester [October, Novemeber and December] Will Be Distributed Later:

**Please Purchase the Evidence
APP (Begin reading the
“Intro & Overview” on your
own)**

AUGUST 2014

MON	TUE	WED	THR	FRI
<p>25 <u>INTRO/BACKGROUND</u> <u>Beginning to Rule 404</u> °<u>Intro & Overview</u>: pp. 1-23 (to “Rule 404 Character”); Purchase the FRE APP (the “Intro & Overview” is on the Galves’ FRE APP) [Please read the “Course Description” before class]</p> <p>[No cases to read, just text]</p>	<p>26</p>	<p>27 <u>INTRO/BACKGROUND</u> <u>Rule 404 -700 Series</u> °<u>Casebook</u>: pp. 1-9 (Chapter 1); °<u>Intro & Overview</u>: pp. 23-63 (from Rule 404 to 700 Series)</p> <p>[No cases to read, just text]</p>	<p>28 <u>INTRO/BACKGROUND</u> <u>700 Series -900 Series</u> °<u>Intro & Overview</u>: pp. 63- 92 (from 700 Series to 900 Series)</p> <p>[No cases to read, just text]</p> <p>Note: Quiz #1 is on Wednesday (end of class) covering all of the “Intro & Overview”</p>	<p>29</p>

SEPTEMBER 1-13, 2014

MON	TUE	WED	THR	FRI
1 NO CLASS LABOR DAY	2	<p style="text-align: center;">3</p> <p><u>INTRO/BACKGROUND</u> <u>900 Series - End</u></p> <p>°Intro & Overview: pp. 92-106 (from 900 series to Hypothetical); then pp.106-132 (Trial Excerpt Examples) [No cases to read, just text]</p> <p>Last 20 Minutes of Class: QUIZ #1 covering the FRE:100 Series – 1100 Series (“Intro & Overview”)</p>	<p style="text-align: center;">4</p> <p><u>TRIAL PROCEDURE;</u> <u>FRE 401/402/403</u> <u>RELEVANCE/DANGER OF UNFAIR PREJUDICE</u></p> <p>°Casebook: pp. 11-37 (Chapter 2); °Intro & Overview: pp. 15-19 (from “I.” to “IV.”); °Casebook: pp. 87-101 (Chapter 5, to “<u>Old Chief</u>”); °Simulations : pp. 1-10 (Introduction & Chapter 1) ■ Discuss Your “Motions in Limine” (Chp. 1)</p>	5
<p style="text-align: center;">8</p> <p><u>RULE 403 PREJUDICE/</u> <u>RULE 104(a)(b) ISSUES</u></p> <ul style="list-style-type: none"> • Casebook (Chp. 5, Relevance) <i>R. 401, 402, 403, pp. 101-112 (<u>Old Chief</u> to “D.”);</i> • Simulations (Chp. 2) pp.11-19; • Intro & Overview: pp. 9-10 (from “Rule 104” to “Rule 105”); • Casebook (Chp. 5 Relevance) <i>R. 104(a)(b), pp. 112-119 (from “D.” to end);</i> 	9	<p style="text-align: center;">10</p> <p><u>RULES 407-411 POLICY</u> <u>EXCLUSIONS</u></p> <ul style="list-style-type: none"> • Intro & Overview: pp. 19-23 (from “IV.” to “V.”); • Casebook (Chp. 6 (Policy Limits) <i>R. 407, 408, 409, 410, 411 pp. 121-152 (to end).</i> <p>(We will also argue the Rule 403 simulation/objections in class)</p>	<p style="text-align: center;">11</p> <p><u>RULES 404(a)(1),(2)(A) & 413-415 CHARACTER/ PROPENSITY EVIDENCE OF A CRIMINAL DEFENDANT</u></p> <ul style="list-style-type: none"> • Intro & Overview: <ul style="list-style-type: none"> - pp. 23-26 (from “V.” to “B.”); - pp. 37-39 (from “B.” to “XI.”); <p>Casebook (Chp. 7, Character I) <i>R. 404(a)(1),(2)(A), 413-415 pp. 153-183 (to “D.”).</i></p>	12

SEPTEMBER 15-29, 2014

MON	TUE	WED	THR	FRI
<p>15</p> <p><u>RULES 404(a)(1),(2)(B),(C) & 412 PROPENSITY EVIDENCE OF A CRIMINAL VICTIM & RULE 404(b) NON-PROPENSITY EVIDENCE</u></p> <ul style="list-style-type: none"> • Intro & Overview: <ul style="list-style-type: none"> - pp. 26-28 (from “B.” to “C.”); - pp. 35-37 (from “X.” to “B.”); • Casebook (Chp. 7, Character II) R. 404(a)(2)(B),(C), 412 pp. 183-193, (from “D.” to “E.”); • Intro & Overview: pp. 32-34 (from “VIII.” to “IX.”); • Casebook (Chp. 7) R. 404(b) & 403 pp. 194-199 (from “E.” to “1.”). 	<p>16</p>	<p>17</p> <p><u>RULE 404(b) OTHER CRIMES, WRONGS & ACTS (ADMISSIBLE SPECIFIC INSTANCES) & 405(b) CHARACTER AS AN “ESSENTIAL ELEMENT” ADMISSIBLE IN ALL FORMS, CRIMINAL OR CIVIL</u></p> <ul style="list-style-type: none"> • Intro & Overview: <ul style="list-style-type: none"> - (Review) pp. 32-34 (from “VIII.” to “IX.”); Rule 404(b); - pp. 31-32 (from “B.” to “VIII.”) Rule 405(b); Casebook (Chp. 7, Character III) R. 404(b), 403, 405(b) (pp. 199-216, from “1.” to “G.”). 	<p>18</p> <p>No [reading catch up]</p>	<p>19</p>
<p>22</p> <p><u>CHARACTER EVIDENCE REVIEW & RULE 406 HABIT EVIDENCE</u></p> <ul style="list-style-type: none"> • Intro & Overview: <ul style="list-style-type: none"> - pp. 39-41 (from “XI.” to “Visualizing the Rules”); - pp. 34-35 (from “IX.” to “X.”); • Casebook (Chp. 7 Character IV) Rules 404-406 pp. 216-226 (“1.” to end); Simulations (Chp.3) pp. 21-25 (to “II.”). 	<p>23</p>	<p>24</p> <p><u>FINAL CLASS ON CHARACTER/HABIT</u></p> <ul style="list-style-type: none"> • Intro & Overview: pp. 23-41 (from “V.” to– “Visualizing the Rules”); • Simulations (Chp.3) pp. 21-30 (to end); • Character Exercise Simulation. 	<p>25</p> <p><u>RULE 801(a)(b)(c) & RULE 802 DEFINITION OF HEARSAY</u></p> <ul style="list-style-type: none"> • Intro & Overview: pp. 69-74 (from “(800 Series)” to “D.”); • Casebook (Chp. 8, Hearsay I) R. 801(a)(b)(c), Rule 802 (pp. 227-254, to “Chp. 9.”). 	<p>26</p>
<p>29</p> <p>[NO NEW READING]</p>	<p>30</p>			

