

LS 2070 Evidence Syllabus

SALT LAKE COMMUNITY COLLEGE

Instructor:

E-mail:

Office:

Phone:

COURSE INFORMATION

Course # (3 credit class)

This course examines the Utah Rules of Evidence. Students will also apprehend differences in the Federal Rules. The course demonstrates the applicability of the rules as they pertain to the in-court admission of evidence and testimony. Requires a “C” grade or higher to progress in the Paralegal program.

TEXTBOOK

Title: Evidence for Paralegals

Authors: Joelyn D. Marlowe

Publisher: Aspen Publishing; 5th edition

ISBN-10 : 0735590133

ISBN-13 : 978-0735590137

COURSE DESCRIPTION

This course will familiarize students with the Federal Rules of Evidence and major distinctions in the Utah Rules of Evidence. At the end of the semester students should be able to assess evidentiary issues in a variety of fact patterns. The instructor has selected one text that he believes will benefit the student in day-to-day practice. It is the instructor’s goal to provide students with texts and other materials that are well known and widely used in the practice of law.

Communication: In this course we will use the INBOX feature on the course navigation links (located in the left-hand navigation links) to send email for private messages.

You can either check your messages in the Canvas system or set your notifications to your preferred method of contact. Please check your messages regularly.

If you do need to email me through my personal email account, please include your name and the class name in the subject line. Do not submit your assignments by email, they should all be submitted through Canvas.

Questions: It is normal to have many questions about things that relate to the course, such as clarification about assignments, course materials, or assessments. I am happy to address any question you may have. **There**

are NO dumb questions in my courses. If you have a concern and send me a message, you can expect a response within 24 hours.

Assignments & Testing: The due dates for each assignment can be found in Canvas. If you are travelling outside of Utah, please be aware that Canvas will continue to use the Mountain Time Zone as a basis for determining the exact deadline for your assignment.

Late Assignment Policy: Late policies are as follows: I do not give full credit to late assignments. Once the due date has passed, you can and should still submit your work with a 25% reduction in credit for the late submission.

GRADING

A	Excellent	93-100%
A-	Excellent	90-92%
B+	Good	86-89%
B	Good	83-85%
B-	Good	80-82%
C+	Average	76-79%
C	Average	73-75%
C-	Average	70-72%
D+	Below Average	66-69%
D	Below Average	63-65%
D-	Below Average	60-62%
E	Failing	0-59%

This course will be evaluated on three, equally weighted quizzes with the possibility of up to 5% (half a grade) extra

Additional Policies

Withdrawal and Incomplete Grades: The last day to drop this class with a refund is listed in the official college schedule but is approximately 3 weeks after the first day of class; the last day to withdraw (without refund) is also listed in the official college schedule but is approximately 12 weeks after the first day of class. Any requests to withdraw after that date will require documentation from a physician or an employer stating that you are unable to continue in the class for health or work-related reasons. Poor performance in the class is not a legitimate reason for withdrawal. It is the responsibility of the student to drop/withdraw from this class, not the instructor. Students who do not attend during the first week of class may be dropped at the discretion of the instructor.

Dropping the Course: If you decide for any reason to discontinue this class, you must go through the process of dropping the class with SLCC. I cannot and will not do it for you. If you stop submitting work and do not drop the class, I am required to give you a grade based on the limited amount of work you have submitted, which could result in an "E".

Incomplete Grades: Sometimes life gets in the way for all of us to do our best. Car accidents happen – pandemics destroy our plans – things change at work. That’s why incomplete grades exist; however, awarding an incomplete grade is rarely in a student’s best interest. Most “I” grades become failing grades after the required one-year grace period expires. The school policy is that a grade of “I” (Incomplete) may be available at the instructor’s option but is only given in the most extenuating of circumstances (for example health reasons) for which there is verifiable written documentation. In order to receive an incomplete, nearly all course work must have been completed (>75%) with a passing grade. When an incomplete grade is awarded, a contract must be completed to finish the missing work.

Institutional Policies

As members of our academic community, we would like to invite you to review the Institutional Syllabus which covers important policies and procedures. This document contains important links for students on the code of student rights and responsibilities, academic integrity, and grading policies, Title IX and other important acknowledgements. By familiarizing yourself with this information, you can help us create a safe and respectful environment for everyone.

You can access the document by clicking on the following link:

<https://slcc.instructure.com/courses/530981/pages/institutional-syllabus>

Learning Support and Tutoring Services

We are pleased to offer a range of tutoring and learning support services to help you achieve your academic goals. Whether you need assistance with a specific subject or want to improve your study skills, you have many options for tutoring or other support.

To learn more about the services we offer and how to access them, please visit the Institutional Syllabus under the Tutoring and Learning Support tab:

<https://slcc.instructure.com/courses/530981/pages/institutional-syllabus>. We encourage you to take advantage of these resources to help you succeed in your studies. If you have any questions or would like to schedule a tutoring session, please don't hesitate to reach out to us. We are here to support you

Accommodations for students with disabilities: Students with medical, psychological, learning or other disabilities desiring accommodations or services under ADA, should contact the Disability Resource Center (DRC). The DRC determines eligibility for and authorizes the provision of these accommodations and services for the college. Please contact the DRC at the Student Center, Suite 244, Redwood Campus, 4600 So. Redwood Rd, 84123. Phone: (801) 957-4659, TTY: 957-4646, Fax: 957- 4947 or by drc@slcc.edu.

Academic honesty and the SLCC Student Code of Conduct: Students are both bound and protected by the SLCC Student Code of Conduct. If you are unaware of this Code and the requirements it makes of you as well as the protection it gives you, contact Student Services for a copy (of either the complete code or the abbreviated version). Personal integrity and responsibility are requirements of this class, as are all other guidelines of the Student Code.

Plagiarism is theft. Any time you present another person’s work as your own—even if that other person is a friend and/or spouse—you have plagiarized. The penalty for a first offense of academic dishonesty is no credit for the assignment, which cannot be redone. A second offense means that you fail the course and will be reported to the Division Chair and Student Advising.

In this class we will comply with the Salt Lake Community College Student Code of Conduct which defines disorderly conduct as: “Any behavior, which disrupts the academic and/or social environment on College owned or controlled property or at College sponsored or supervised functions, violates the standard of fair access to the educational experience. Examples of disorderly conduct include but are not limited to: disrupting the classroom or office environment, harassing an instructor, staff or fellow student intentionally or recklessly interfering with normal college or college sponsored activities, included but not limited to studying, teaching, research, college administration, or fire, police or emergency services.

To maintain a respectful and open environment, please refrain from expressing opinions about your fellow students or making any statements in class which would threaten them or make them uncomfortable. I am always available after class, by phone or by appointment at any time to assist you in resolving any problems or concerns in an appropriate manner.

Title IX Information:

20 U.S.C.A. Section 1681 (a): TITLE IX

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefit of, or be subjected to discrimination under any education program or activity receiving federal funds.”

Examples of violations (but not limited to):

- Sexual advances, requests for sexual favors and sexually motivated physical conduct
- Overt or subtle pressure for sexual activity
- Sexually offensive verbalization including remarks, “teasing”, slurs, and innuendo.
- Repeated inappropriate jokes or comments about sex or gender specific traits.
- Conduct that is demeaning or derisive and occurs substantially because of one’s gender.
- Sexual assault
- Sexual Violence
- Gender based disparate treatment.

Violations can occur in any college environment, such as (but not limited to):

- Field Trips
- Classrooms
- Student Clubs
- Athletics
- Transportation
- On Campus Events

If you have questions or concerns regarding your rights or responsibilities, or if you would like to file a Title IX complaint please contact:

Students-: Dr. Marlin Clark, Dean of Students, 801-957-4776, STC 276 A (Redwood)

Employees or Community members: Ken Stonebrook, Title IX & Discrimination Manager, 801-957-5027, AAB 211G (Redwood) Online Reporting Form: <http://www.slcc.edu/eeo/title-ix/complaint.aspx>

Salt Lake Community College has a strong prohibition against retaliation. The college does not tolerate acts of retaliation against anyone for engaging in filing a complaint or participating in an investigation.

Institutional Syllabus: See the Institutional Syllabus for more information about:

- Institutional Policies
- Advising
- Counseling
- Learning Support
- Tutoring Services
- DRC
- and many other support services

STUDENT LEARNING OUTCOMES

Student Learning Outcomes: Consistent with the College’s learning outcomes, the Paralegal Studies program is committed to achieving the following program learning outcomes:

1. Demonstrate a clear understanding of legal concepts and terminology in several substantive areas of the law.
2. Perform professional caliber legal research and writing using legal reasoning skills in the reading and interpretation of legal materials such as statutes, court decisions and other legal documents.
3. Analyze the procedural rules in both the civil and criminal areas of the law and the relationship between procedural rules and substantive law.
4. Demonstrate effective oral and written communication.
5. Describe the ethical responsibilities of paralegals, the rules of professional conduct governing lawyers, and the application of these rules to paralegals.

Course Learning Outcomes: Consistent with the Paralegal Studies Program learning outcomes, the Program is committed to achieving the following course learning outcomes for LS 2070:

Course Objectives	Activities and Assignments Used to Assess Student Achievement of course objectives. *Students will be assessed using one or more of the following:
Explain the relevant evidence rules and the important “catch-all” exception under Federal Rule 403.	Midterm Final Project
Students will be able to apply the Federal Rules of Evidence to determine if evidence is admissible and why in a variety of fact patterns.	Midterm Final Project
Students will be able to critically evaluate and explain the rationales behind evidence rules.	Midterm Final Project
Students will be able to analyze and discuss the intersection between evidence and ethics.	Midterm Final Project

Students will be able to explain the hearsay rule and how it operates and be able to apply the exceptions to the hearsay rule as they apply to fact patterns.	Midterm Final Project
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TENTATIVE COURSE OUTLINE

This is a tentative course schedule and is subject to change based on the instructor’s and students’ needs. Warning: the instructor reserves the right to modify the syllabus as class needs demand. Also, remember the numbers reflect class sessions rather than dates. This allows us to continue where we left off if cancellation, etc. Occurs. It also allows some flexibility to extend topics or reviews as needed to make sure everyone understands the material covered.

Week	Topic	Assignments
1	Overview Chapter 1 - Introduction <ol style="list-style-type: none"> 1. Historical background, pp 1-6 2. Direct vs. circumstantial evidence, pp 7-13 3. Summary and applications, pp13-14 	
2	Chapter 2 - Relevance <ol style="list-style-type: none"> 1. Common law rules, pp 15-16 2. Jarvis v. Hall, pp 16-19 3. Relevancy today, pp 19-21 4. Rule 403 - Unfair prejudice, pp 22-26 5. United States v. Moore, pp 26-28 6. Other Rule 403 objections, p 28 7. Summary and applications, pp 29-30 	
3	Chapter 3 - Character <ol style="list-style-type: none"> 1. Rule 404 - Character evidence, pp 31-33 2. Character evidence in civil cases, p 33 3. Harriman v. Pullman Palace Car Co., pp 33-34 4. Character evidence of the accused in criminal cases, pp 35-36 5. United States v. Santana-Camacho, pp 36-38 6. Character evidence of the victim in criminal cases, pp 38-39 7. United States v. Herder, pp 39-41 	
4	Chapter 3 (continued) <ol style="list-style-type: none"> 1. Character evidence in rape and sex offense cases, pp 41-43 2. United States v. Withorn, pp 44-47 	

	<ol style="list-style-type: none"> 3. Rule 405 - Methods of proving character, pp 47-49 4. United States v. Herder, pp 49-50 5. Character as the ultimate issue, pp 50-51 6. Rule 404(b) - extrinsic evidence, pp 52-53 7. United States v. Hillsberg, pp 53-55 8. Rule 403 vs Rule 404(b), pp 55-57 9. United States v. Mohr, 57-59 10. Summary and applications, pp 59-61 	
5	<p>Chapter 4 - Habit and Modus Operandi</p> <ol style="list-style-type: none"> 1. Habit, pp 63-66 2. Wilson v. Volkswagen of America, pp 66-68 3. Proving habit, pp68-70 4. Weil v. Seltzer, pp 70-72 5. Modus operandi, pp 72-75 6. Summary and applications, pp 75-76 	
6	Quiz on Chapters 1-4	
7	<p>Chapter 5 - Witnesses and Competency</p> <ol style="list-style-type: none"> 1. Rules of competency, pp 77-81 2. United States v. Mandel, pp 81-84 3. The oath or affirmation, pp 84-85 4. Judges and jurors as witnesses, pp 85 5. Kennedy v. The Great Atlantic and Pacific Tea Co., pp 86-89 6. Summary and applications, pp 89-90 	
8	<p>Chapter 6 – Impeachment</p> <ol style="list-style-type: none"> 1. Impeachment, pp 91-93 2. Impeachment based on character, pp 93-94 3. Evidence of specific conduct, pp 94-95 4. Evidence of conviction of a crime, pp96-98 5. Religious beliefs, pp98-99 6. Prior inconsistent statements, pp 99-100 7. Refreshing a witness's memory, pp 100-101 8. Personal bias, p 102 9. United States v. Robinson, pp102-105 10. Collateral extrinsic evidence, pp 105-106 11. Illinois v. Jones, pp106-108 12. Summary and applications, pp 109-111 	
9	<p>Chapter 7 - Lay and Expert Opinions</p> <ol style="list-style-type: none"> 1. Opinion testimony by lay witnesses, pp 113-115. 2. United States v. Carlock, pp 115-117 	

	<ol style="list-style-type: none"> 3. Expert opinions, pp117-120 4. Tampa Bay Shipbuilding & Repair Co. v. Cedar Shipping Co., pp 120-123 5. Opinion as to the ultimate issue, pp 125-126 6. Summary and applications, pp 127-129 	
10	<p>Chapter 8 - Settlement, negotiation, and remedial measures</p> <ol style="list-style-type: none"> 1. Offers to compromise, pp 132-133. 2. Settlement negotiations, pp 133-135 3. United States v. Gonzalez, pp 135-137 4. Remedial measures, pp 137-138 5. Chase v. General Motors, Corp., 138-140 6. Liability insurance, pp 141-142 7. Unaccepted plea bargains, pp 142-144 8. Summary and applications, pp 144-145 9. Review for quiz on Chapters 5-8 	
11	Quiz on Chapters 5-8	
12	<p>Chapter 9 – Hearsay</p> <ol style="list-style-type: none"> 1. Introduction, pp 147-151 2. Evidence that is not hearsay, pp 151-153 3. Using nonhearsay evidence, pp 153-154 4. U.S. v. Mazza and DeCologero, p 154 5. Verbal acts, p 157 6. U.S. v. Jackson, p 157 7. Implied assertions, pp 159-160 	
13	<p>Chapter 10 – Hearsay Exceptions</p> <ol style="list-style-type: none"> 1. Introduction, pp 163-165 2. Res gestae exceptions, pp 165-168 3. Statements for medical diagnosis or treatment, p 168 4. Recorded recollections, p 168. 5. Records, pp 169-170, 171-174 6. U.S. v. Bortnovsky and Braz, p 170 7. Other exceptions, pp 174-176 8. Availability of the declarant, pp 176-177, 178-180 9. U.S. v. Fernandez-Roque, p 177 	
14	<p>Chapter 11 – Authentication, Identification and Exhibits</p> <ol style="list-style-type: none"> 1. Introduction, pp 183-185 2. Chain of custody, pp 185-186 3. Authenticating documents, pp 186-189, 192 4. U.S. v. Kinging, p 190 5. Computer generated records, pp 194-197 	

	<ul style="list-style-type: none"> 6. U.S. v. Taylor and Hicks, p 196 7. Best evidence rule, pp 197-198 8. Summaries, p 199 	
15	<p>Chapter 12 – Constitutional Constraints on the Admissibility of Evidence</p> <ul style="list-style-type: none"> 1. Summary of Constitutional provisions affecting evidence (skim chapter) 2. Chapter 13 – Common Law Privileges 3. Introduction, pp 221-222 4. Attorney - client privilege, pp 222-226, 228 5. In re Grand Jury Proceedings, p 226 6. Spousal privilege, pp 228-229 7. Trammell v. U.S., p 229 8. Other privileges, pp 231-233 	
16	Final QUIZ on Chapters 9-13	