

Evidence

LS - 2070 002

Course Description

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.

Prereq: LS 1070.

Semester: Fall & Spring

Course Student Learning Outcomes

- Understand basic substantive and procedural legal principles.
- Extract relevant data from complex information, process it appropriately, and draw reasonable conclusions.

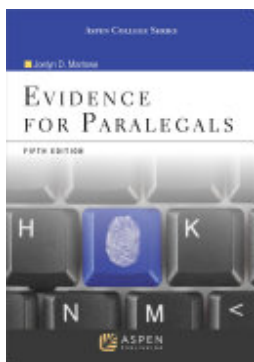
Engagement Plan

I am happy to stay after class to answer any questions you have from class or previous classes.

I will hold review sessions during the class before a Quiz.

Office Hours: By Appointment Only W-F 12:00 p.m. - 2:00 p.m. (PLEASE call or email ahead of time to make an appointment so I can be sure to be available).

Required Text or Materials



Title: Evidence for Paralegals

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Authors: Joelyn D. Marlowe

Publisher: Aspen Publishing

Edition: 3rd Edition or Newer

For more information on textbook accessibility, contact Accessibility & Disability Services at ads@slcc.edu.

Brief Description of Assignments/Exams

PLS 2070 Evidence

Tentative Class Schedule (Subject to Change As Needed – pg #'s from 3rd Edition)

Week Topics

1 Overview

Chapter 1 - Introduction

1. Historical background, pp 1-6
2. Direct vs. circumstantial evidence, pp 7-13
3. Summary and applications, pp13-14

2 Chapter 2 - Relevance

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

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)

8. Character evidence in rape and sex offense cases, pp 41-43
9. United States v. Withorn, pp 44-47
10. Rule 405 - Methods of proving character, pp 47-49
11. United States v. Herder, pp 49-50
12. Character as the ultimate issue, pp 50-51

13. Rule 404(b) - extrinsic evidence, pp 52-53
14. United States v. Hillsberg, pp 53-55
15. Rule 403 vs Rule 404(b), pp 55-57
16. United States v. Mohr, 57-59
17. Summary and applications, pp 59-61

5 Chapter 4 - Habit and Modus Operandi

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 Chapter 5 - Witnesses and Competency

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 Chapter 6 - Impeachment

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, pp 96-98

5. Religious beliefs, pp 98-99

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, pp 102-105

10. Collateral extrinsic evidence, pp 105-106

11. Illinois v. Jones, pp 106-108

12. Summary and applications, pp 109-111

9 Chapter 7 - Lay and Expert Opinions

1. Opinion testimony by lay witnesses, pp 113-115

2. United States v. Carlock, pp 115-117

3. Expert opinions, pp 117-120

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 Chapter 8 - Settlement, negotiation and remedial measures

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

Review for quiz on Chapters 5-8

11 Quiz on Chapters 5-8

12 Chapter 9 – Hearsay

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 Chapter 10 – Hearsay Exceptions

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 Chapter 11 – Authentication, Identification and Exhibits

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

6. U.S. v. Taylor and Hicks, p 196

7. Best evidence rule, pp 197-198

8. Summaries, p 199

15 Chapter 12 – Constitutional Constraints on the Admissibility of Evidence

1. Summary of Constitutional provisions affecting evidence (skim chapter)

Chapter 13 – Common Law Privileges

1. Introduction, pp 221-222

2. Attorney - client privilege, pp 222-226, 228

3. In re Grand Jury Proceedings, p 226

4. Spousal privilege, pp 228-229

5. Trammell v. U.S., p 229

6. Other privileges, pp 231-233

Final QUIZ on Chapters 9-13

Assignment Schedule

Due Date	Assignment Name	Assignment Type	Points
	Introduce Yourself	Discussion	0
	Introduce Yourself	Discussion	0

Grading Scale

This course will be evaluated on three, equally-weighted quizzes with the possibility of up to 5% (half a grade) extra credit for court attendance and/or class participation.

There may be a few more opportunities to get extra credit that I will announce throughout the semester.

How to Navigate to Canvas

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.

For more information, navigate to the Institutional Policies tab on the [Institutional Syllabus](#) page.

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Advising and Counseling Support Services

At our institution, we are committed to supporting your academic and personal growth. That's why we offer a range of advising and counseling services to help you navigate the challenges of college life. To learn more about the resources available to you and how to access them, visit the [Institutional Syllabus](#) page under the Advising and Counseling Support Services tab. Our advising team and the support centers across campus are here to support you in achieving your goals and overcoming any obstacles you may face.

Student Academic Calendar

As students you should be aware of all important dates in the semester, such as the day that courses begin and end, as well as the drop date and the last day to withdraw. To learn more about those dates, navigate to the Student Academic Calendar below:

[SLCC Student Academic Calendar](#)