

EVIDENCE

SYLLABUS

SPRING SEMESTER – 2009

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JANUARY 13, 2009

INTRODUCTION

JANUARY 14 - JANUARY 20

OVERVIEW OF THE TRIAL PROCESS AND EVIDENCE

Mueller and Kirkpatrick 1-48

Problems: 1-A and 1-B

RELEVANCE

Mueller and Kirkpatrick 49-104; Weissenberger 103-109

Problems: 2-A, 2-B, 2-D, 2-E, 2-F and 2-G

JANUARY 21, 2009

RELEVANCE (EXPRESS LIMITATIONS)

Mueller and Kirkpatrick 403-434; Weissenberger 111-153

Problems: 5-A, 5-B, 5-C, 5-D, 5-F, 5-H, 5-I and 5-K

JANUARY 27 - JANUARY 28, 2009

RELEVANCE (MISCELLANEOUS LIMITATIONS)

Mueller and Kirkpatrick 434-457; Weissenberger 155-214

Problems: 5-M, 5-N, 5-P, and 5-R

FEBRUARY 3 - FEBRUARY 4, 2009

WITNESSES (COMPETENCY)

Mueller and Kirkpatrick 459-485; Weissenberger 263-292

Problems: 6-A, 6-B, 6-C, 6-E and 6-F

FEBRUARY 3 - FEBRUARY 4, 2009 (cont'd)

WITNESSES (MODE OF INTERROGATION)

Mueller and Kirkpatrick 487-508; Weissenberger 333-345

Problems: 7-A and 7-B

FEBRUARY 10, 2009

WITNESSES (IMPEACHMENT)

Mueller and Kirkpatrick 511-589; Weissenberger 293-332

Problems: 8-A, 8-B, 8-F, and 8-H

FEBRUARY 11, 2009

WITNESSES (IMPEACHMENT CONTINUED)

WITNESSES (REPAIRING CREDIBILITY)

Mueller and Kirkpatrick 590-603

FEBRUARY 17, 2009

OPINION AND EXPERT TESTIMONY

Mueller and Kirkpatrick 605-653; Weissenberger 373-403

Problems: 9-A, 9-B, and 9-D

FEBRUARY 18, 2009

OPINION AND EXPERT TESTIMONY, CONTINUED

Mueller and Kirkpatrick 653-674; Weissenberger 405-414

Problems: 9-E and 9-F

FEBRUARY 24 - FEBRUARY 25, 2009

AUTHENTICATION AND IDENTIFICATION

Mueller and Kirkpatrick 855-880; Weissenberger 627-671

Problems: 13-A, 13-B, 13-C, 3-G and 13-H

MARCH 3, 2009

AUTHENTICATION AND IDENTIFICATION, CONTINUED

Weissenberger 673-693

MARCH 4, 2009

BEST EVIDENCE RULE

Mueller and Kirkpatrick 881-901; Weissenberger 701-758

Problems: 14-A, 14-B, 14-C, 14-F, and 14-M

MARCH 10, 2009

BEST EVIDENCE, CONTINUED

PRIVILEGES

Mueller and Kirkpatrick 759-853; Weissenberger 229-257
No Problems

MARCH 11 - MARCH 17, 2009

BURDENS OF PROOF AND PRESUMPTIONS

Mueller and Kirkpatrick 675-734; Weissenberger 87-93
Problem: 10-A

JUDICIAL NOTICE

Mueller and Kirkpatrick 735-757; Weissenberger 73-84
Problems: 11-A, 11-B, 11-D, 11-G, 11-I and 11-J

MARCH 18, 2009

HEARSAY (OVERVIEW)

Mueller and Kirkpatrick 105-131; Weissenberger 421-467
Problems: 3-A, 3-B, 3-D, 3-F, 3-G and 3-I

MARCH 24 & 25, 2009

SPRING BREAK. NO CLASSES!

MARCH 31, 2009

HEARSAY (DEFINITIONS)

Mueller and Kirkpatrick 132-152
Problems: 3-J and 3-K

APRIL 1 - APRIL 7, 2009

HEARSAY (DEFINITIONS/ADMISSIONS)

Mueller and Kirkpatrick 153-219
Problems: 4-A, 4-B, 4-E, 4-G and 4-H

APRIL 8, 2009

HEARSAY EXCEPTIONS (PRESENT SENSE IMPRESSIONS/EXCITED
UTTERANCE)

Mueller and Kirkpatrick 220-236; Weissenberger 469-491
Problem: 4-I

APRIL 14, 2009

HEARSAY EXCEPTIONS (STATE OF MIND, STATEMENTS FOR PURPOSE OF MEDICAL DIAGNOSIS AND TREATMENT, RECORDED RECOLLECTION)

Mueller and Kirkpatrick 236-266; Weissenberger 491-505

Problems: 4-J and 4-K

APRIL 15, 2009

HEARSAY (BUSINESS RECORDS, ABSENCE OF RECORDS, PUBLIC RECORDS)

Mueller and Kirkpatrick 266-294; Weissenberger 505-539

No Problems

APRIL 21, 2009

HEARSAY (MISCELLANEOUS EXCEPTIONS)

Mueller and Kirkpatrick 354-357; Weissenberger 539-566

No Problems

APRIL 22, 2009

HEARSAY EXCEPTIONS (DECLARANT UNAVAILABLE)

Mueller and Kirkpatrick 294-345; Weissenberger 566-608

Problems: 4-L, 4-M and 4-N

LAST CLASS!