Course Name Evidence

Course 600

Term and Year: Fall 2020

Class Time

This is a synchronous class which means that you will need to be online at the following times: M, W, F, 2:00 pm-3:00 pm. The class sessions will be held via Blackboard.

Class Location

Blackboard. Please click on the day’s session to enter the classroom.

Professor

Ana M. Otero

Office Hours

I will conduct virtual office hours through Blackboard and the Bluejeans Video Conference platform.

Professor Email

ana.otero@tmslaw.tsu.edu

Instructor Phone

713.313.7351

Prefered Methods of Contact

Email / Blackboard /TWEN

TA Name & Email

Cicely Benoit cicelybenoit@gmail.com.

Blackboard Help

For Blackboard troubleshoots dial Dr. Claiborne at 713.313.4853

Course Description

This course involves learning the array of procedural rules that regulate how evidence must be introduced under the Federal Rules of Evidence and under common law. Skills emphasized include drafting documents, learning when to rely on the U.S. Constitution to provide oversight on the admissibility of evidence, and learning to define, develop and implement a lawyer litigation plan. Areas emphasized include relevancy, hearsay, direct-examination and cross-examination, character evidence, impeachment of witnesses, expert testimony, and privileges.

Importance of this syllabus

Beyond ground rules, my contact information, reading assignments, office hours, and grading, this syllabus contains particular items that constitute an integral part of the course. These items include the objective of the course, student learning outcomes, specific competencies, and probing questions on all assigned material. It is your responsibility to read these items carefully every week. This syllabus is a teaching tool, and you should use it in planning your reading and ensuring that you are well prepared for class. You should use this syllabus:

- to glean class policies, ground rules, and contact information;
- to understand my expectations;
- as a roadmap for your studies and to prepare for the class;
- to self-reflect about your understanding and knowledge of the legal principles and governing rules.
### Learning Objectives

The evidence class involves aspects of theory and practice. The evidence rules are designed to be used, not studied in the abstract. Most of the class time will be spent providing students with the opportunity to practice using the rules to accomplish an adversarial goal. These exercises will provide students with a solid background in the basic trial rules and their complex application.

As a result of taking this course, students will be able to do the following: 1) Demonstrate an understanding of the litigation process, and the role the evidence rules play in that process; 2) Demonstrate a working knowledge of the rules of evidence and the underlying rationale for each rule; 3) Analyze and apply the rules on the admissibility of evidence at trial and the role of the judiciary in both civil and criminal trials; 4) Compare and contrast the historical development of the rules of evidence and their effect on the modern rules of evidence; and, 5) Develop critical thinking and improve verbal and written communication skills through the identification, interpretation, discussion and briefing (written summary) of a variety of evidentiary issues from actual criminal and civil court cases.

Objectives and competencies for this course are listed in the weekly assignments below.

### Material

#### Textbooks


#### Suggested Readings


#### Required Technology

Due to the nature of this course, you will need access to a computer to participate in online classes via Blackboard. I will ask you to shut down the video and the mikes until I call on you.

Some quizzes will be taken using a **RESPONDUS LOCKDOWN BROWSER (RLDB)** that must be downloaded to your computer. Tablets and Ipads are not compatible with the RLDB. More instruction will be provided about this later.
There will be a number of graded open-book quizzes (only rule book allowed) throughout the term, a midterm, and a cumulative comprehensive final examination including the Federal Rules of Evidence. The final letter grade is based on the following:

- Quizzes (Will drop lowest grade): 25%
- Midterm: 25%
- Essay Exams: 20%
- Final (Cumulative): 25%
- Class participation (Includes TWEN quizzes): 5%

**TWEN Quizzes:** There will be a number of quizzes posted on TWEN during the semester. These will be announced in class and by email. TWEN quizzes are mandatory. Points earned count towards the 5% class participation portion of the grade.

**Graded Quizzes:** After every major topic, there will be a quiz. Quizzes are composed of multiple choice and true/false questions. Some of the quizzes will be open-rule book.

**Midterm:** Midterm will be composed of multiple choice and true/false questions.

**Essays:** There will be at least two timed graded essays. The turnaround for essays will be within a week, and your answers will contain extensive feedback. I will also provide you with a grading rubric or a sample answer which will be reviewed in class.

The purpose of the essays is to test your understanding of the legal concepts, and hone your legal analysis and communication skills.

It is my goal in this class to awaken your mind so that it becomes keen and inquiring; to give you an opportunity to become not just a good legal writer, but a skillful writer. Like any other craft, legal writing requires practice, love, and attention. Perfecting this craft is a life-long pursuit, but it is my hope that through various exercises we will do in this class, you will begin the process.

**Final Exam:** The final exam is cumulative and it is composed of 100 multiple choice questions. The final exam is closed book.

**Course Outline**

<table>
<thead>
<tr>
<th>Overview / Course Responsibilities</th>
<th>I will use Blackboard, TWEN, and Bluejeans Video Conferencing for office hours. To use TWEN, you need a WESTLAW password and internet access. Whenever you access TWEN, make sure to have the technical support number available so you can contact them with any problems you may have. That number is 1.800.486.4876. All announcements will be sent either through TWEN or Blackboard. Checking your email is an integral part of this class, and it’s my key method of communication. Please act accordingly.</th>
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</thead>
</table>
Reading Assignments

Week 1
8-10
Day 1 and 2 - Introduction to Evidence.

Day 3 - Chapter 1 – Relevance: A. Introduction to Evidence Law, pp. 1-2

After the PPT presentation and this section of Chapter 1, you will be able to:

1) Understand the several well-established meanings of the term “evidence,” and the various types of evidence used during the litigation process.
2) Understand pretrial practice and procedure including the seven stages of litigation: investigative, pleading, discovery, pre-trial, trial, post-trial, and appeal.
3) Understand the role played by evidence law in each of these stages.
4) Understand the different responsibilities of the judge, the attorneys, and the jury during a trial, and how the evidence rules play a significant role in the division of these duties.
5) You will be able to answer the following questions:
   a. How do the rules of evidence affect the conduct of a lawsuit?
   b. What role does evidence play at trial?
   c. How is the judge the “gatekeeper” of the evidence admitted at trial?
   d. How can attorneys satisfy their dual roles of representing their clients zealously and serving as officers of the court?
   e. How do attorneys preserve error for appeal?
   f. Why is the jury described as the “judge of the facts?”
   g. Is it important for jurors to evaluate the credibility of evidence?

Week 2
8-17
Day 1 - Continue Chapter 1 – B. Introduction to Relevance, pp. 2-45.
FRE 104, 401, 402.
Review Articles 2 and sections of Article 4.

Case Assignment

United States v. Dillon, p. 16.
Aloi v. Union Pacific Railroad, p. 28.
Cox v. State, p. 34.
After Chapter 1, you will be able to compare prejudicial evidence and unfairly prejudicial evidence, and answer the following questions:

1. Why is it important to ask, “To what is the evidence relevant?” and not just, “Is the evidence relevant?”
2. What do inferences have to do with relevance?
3. What do relationships have to do with relevance?
4. What does probative mean in the definition of relevance?
5. What does fact or consequence mean in the definition of relevance?
6. How does the probative prong of the relevance test relate to the fact of consequence prong?
7. How difficult is it for evidence to meet the threshold test of relevance?
8. Why is some evidence conditionally relevant? At what point in time during a party’s case can proof of a conditionally relevant fact be offered during trial?
9. What is the test to determine unfair prejudice exists?
10. How many steps are there in the test of unfairly prejudicial evidence?
11. What do certain types of probability evidence, excessively violent evidence, similar acts or occurrences, and scientific tests have in common?
12. What is the significance of a limiting instruction?

FRE 407, 408, 409, 410, 411.

Case Assignment
Cyr v. J.I Case Co. p. 48
Bethel v. Peters, p. 54
Flaminio v. Honda Motor Co. p. 58

After Chapter 2, you will be able to answer the following questions:

1a. Under what circumstances is evidence of “subsequent remedial measures”- that is, of measures taken after an injury or harm occurs that would have made the injury or harm less likely – admissible?
1b. What are the exceptions? See R. 407.
2a. What evidence is admissible under R. 408? What is the underlying policy?
2b. Even if the evidence is offered to prove liability for or invalidity of a claim or its amount, which would ordinarily make it inadmissible, does the evidence consist of conduct or statements made in compromise negotiations in a criminal case in which the negotiations related to the claim of a public office or agency in the exercise of regulatory, investigative, or enforcement authority? If yes, contrary to the usual rule, the evidence is admissible.
3a. Is evidence of furnishing or offering or promising to pay medical, hospital, or similar expenses occasioned by an injury admissible? See R. 409.
3b. If yes, is it offered to prove liability for injury?
4. Is evidence of the following offered in any civil or criminal proceeding admissible? See R. 410.
1. a plea of guilty later withdrawn?
2. a plea of nolo contendere (that is, “no contest,” meaning that the defendant agrees to be sentenced for it)?
3. any statement made in the course of any proceedings under Rule 11 of the Federal Rules of Criminal Procedure or comparable state procedure regarding either of the foregoing pleas?
4. any statement made in the course of plea discussions with an attorney for the prosecuting authority which does not result in a plea of guilty or which results in a plea of guilty later withdrawn?

5a. Is evidence that a person was or was not insured against liability admissible? See R. 411.
5b. If yes, is it offered on the issue whether the person acted negligently or otherwise wrongfully, in which case it is not admissible, or is it instead offered for another purpose, such as proof of agency, ownership, or control, bias or prejudice of a witness? Does it matter? See R. 411.

Week 3


8-24
Case Assignment
State v. Patterson, p. 170.
Biegas v. Quickway Carriers, p. 176

Week 4
8-31
Days 1 and 2 - Chapter 5 continued.

After Chapter 5, you will be able to answer the following questions:

1) What are the two types of arguments supporting the admissibility of out-of-court statements?
2) What are the steps to determine whether a statement constitutes hearsay?
3) How does the hearsay rule protect the right to cross-examination?
4) What are the four hearsay dangers?
5) Can animals and machines be declarants?
6) What is a statement for the purpose of the hearsay rule?
   a. What are implied assertions?
   b. What are sub assertions?
   c. What are invisible assertions?
   d. What are attributed assertions?
7) Can I avoid the hearsay rule by asking witnesses to paraphrase out-of-court statements?
8) Can witnesses’ own out-of-court statements constitute hearsay?
9) What is the status of hearsay statements prior to trial?
10) What are testimonial hearsay assertions?
11) Who determines what a statement is offered to prove?
12) What is an “assertion first” approach to case planning?
13) How is admissibility determined when a statement is offered for a non-hearsay rule?
14) What is the meaning of the following common law non-hearsay uses?
   a. Assertion offered as evidence of the speaker’s state of mind.
   b. Assertion offered as evidence of the state of mind of person who heard the assertion.
   c. Assertion offered as a “verbal act” or “words of independent legal significance.”
   d. Assertion offered to contradict (impeach) in-court testimony.
   e. Assertion offered to provide context and meaning.

Day 3 – PPT - Overview of FRE 801(d)(2).

Begin Chapter 6, Opponents’ Statements, pp. 203-230

Case Assignment
   Shields v. Reddo, p. 207.
   B & K Rentals v. Universal, p. 220.
   State v. Cornell, p. 225.

Week 5  Day 1 – Complete Chapter 6, Opponents’ Statements.

9-7

▶ After Chapter 6, you will be able to answer the following questions:

   1. Is a party admission an out-of-court statement that admits to wrongdoing?
   2. Can parties offer their own out-of-court statements into evidence as party admissions?
   3. Can a non-party’s out-of-court statement qualify as a party’s admission?
   4. What are the foundational requirements for showing that out-of-court statements constitute the following kinds of party admissions?
      a. Straight admissions.
      b. Adoptive admissions.
      c. Authorized admissions.
      d. Employee admissions.
      e. Co-conspirator admissions.
   5. Can a hearsay assertion itself support a statement’s admissibility as a vicarious admission?
   6. By what standard does a judge decide whether the foundational requirements for a party admission have been satisfied?
Days 2 and 3 – PPT – Overview of FRE 801(d)(1).

Begin Chapter 7- Witnesses’ Out-Of-Court Statements, pp. 231- 261

Case Assignment
- Tome v. United States, p. 243
- United States v. Lewis, p. 249.
- United States v. Shaw, p. 252

► After Chapter 7, you will be able to answer the following questions:

1. What does it mean that a statement may be used substantively? When can statements be used in this manner?
2. What are the three kinds of declarant-witness’s prior statements presented in FRE 801(d)(1)?
3. What foundational requirements are necessary for the following types of out-of-court statements to be admissible for the truth of their contents?
   a. The out-of-court statement conflicts with a witness’ courtroom testimony.
   b. The out-of-court statement is consistent with a witness’ courtroom testimony.
   c. The out-of-court statement constitutes an identification made by a testifying witness.
4. Are the statements covered under FRE 801(d)(1) admissible if the declarant does not testify at trial?

Week 6

Days 1 and 2 – PPT – Overview of Hearsay Exceptions. FRE 803.

9-14

Day 3 - Chapter 8, Hearsay Exceptions: Spontaneous and Personal

Case Assignment
- Fischer v. State, p. 265.
- Pressey v. State, p. 270.
- State v. Flores, p. 274.
- State v. James, p. 289.

► After Chapter 8, you will be able to answer the following questions:

1. Does admissibility of hearsay under Rule 803 depend on a declarant’s ability to testify?
2. Are the trustworthiness considerations underlying each Rule 803 hearsay exception the same?
3. How does the permitted gap between event and statement differ among the exceptions for present sense impressions, excited utterances and past recollection recorded?

4. For an excited utterance to be admissible, does it have to be made spontaneously?

5. If a hearsay statement satisfies any one of the Rule 803 foundational requirements, is it admissible as a matter of law?

6. Does the admissibility of an excited utterance require that an event be both objectively and subjectively startling?

7. For a statement to qualify under the medical hearsay exception, must it be made to a treating physician? Can it qualify for admission if it is made to non-physicians?

8. When might a statement be admissible under the medical hearsay exception, but not under the “state of mind” exception?

9. How does the “state of mind” hearsay exception compare to non-hearsay uses of statements as circumstantial evidence of state of mind?

10. Does the “state of mind” exception make admissible an assertion of the fact giving rise to the state of mind?

**Week 7**

**Day 1 – Finalize Chapter 8.**

**9-21**

Days 2 and 3 – Begin Chapter 9 - Hearsay Exceptions: Recorded Statements, p. 315.

Read only the assigned cases and pertinent notes.

**Case Assignment**

State v. Taylor, p. 320.
United States v. Daz
Germain v. State, p. 329

► After Chapter 9, you will be able to answer the following questions:

1. What types of statements are covered by the hearsay exception for recorded recollection?
2. What is the difference between recorded recollection and present recollection recorded?
3. What are three common ways of obtaining evidence from a forgetful witness? Which of these depend on use of a document prepared or adopted by the forgetful witness?
4. Does the business records exception apply only to the records of for-profit entities?
5. What is the role of a “sponsoring witness” when a party seeks to offer a business or official record into evidence?
6. Do the business record and public record exceptions both require that a document be prepared in the regular course of operations?
7. Are police reports admissible against criminal defendants under the public records exception?
8. What predicate must be laid for the business records exception to apply?
9. What predicate must be laid for the public records exception to apply?

Week 8  Day 1 – PPT – FRE 804.


9-28

Case Assignment

Grant v. State, p. 373
State v. Paredes, p. 376.

After Chapter 10, you will be able to answer the following questions:

1. Why did the drafters of the Federal Rules of Evidence consider the Rule 804 hearsay exceptions to be “second tier” exceptions?
2. Can a person be physically present in court, yet be considered unavailable under Rule 804?
3. Can a witness who improperly refuses to testify be considered unavailable under Rule 804?
4. Can failure of recollection render a witness unavailable under Rule 804?
5. Is a person who breaks a promise to show up for trial unavailable under Rule 804?
6. Does deposition testimony qualify as former testimony? What if the deposition testimony is given in one case and offered into evidence in another?
7. Can testimony that a witness has previously given be admissible against a party who neither offered the testimony initially nor had an opportunity to cross-examine the witness who provided it?
8. In what types of cases are dying declarations admissible?
9. Can a dying declaration be admissible even if the declarant is alive?
10. Can a statement qualify as against interest if it was initially self-serving but later turns out to be against the declarant’s interest?
11. Does a self-serving statement qualify as against a declarant’s interest if it is part of a larger set of statements that taken as a whole are against the declarant’s interest?
12. In what way do the foundational requirements for statements against a declarant’s penal interest differ from the requirements for statements against other interests?
Case Assignment

Boyd v. United States, p. 80.
State v. Gowan, p. 92
Commonwealth v. Adjutant, p. 96
United States v. Taken Alive, p.
State v. Foxhoven, p. 106
United States v. Queen, p. 112.

After Chapter 3, you will be able to answer the following questions:

1. Is the testimony being offered “character” evidence?
2. If yes, what is the purpose for which evidence of a person’s character is being offered?
   a. Is the person’s character itself a material fact?
   b. Is the person’s character offered to prove “action in conformity therewith,” that is, how the person behaved on a specified occasion (“act propensity)?
   c. Is the person’s character offered to prove that person’s mental state (“mental propensity”)?
   d. Is the person’s character offered to prove or disprove the person’s credibility as a witness? If so, is “intrinsic” or “extrinsic” evidence of character being offered, and what is the difference?
3. Do any of the exceptions to the general bar on act propensity evidence apply?
4. Is this a homicide or sexual assault case, to which special character rules apply?
5. What type of evidence of a person’s character is being offered?
   a. The person’s reputation?
   b. The opinion of a witness who knows the person?
   c. Specific acts in which the person has previously engaged?
6. Is evidence that looks like character evidence but is not – such as some uses of prior bad acts – being offered and, if so, for what purposes?
7. What distinguishes “character” evidence from “habit” evidence?
8. What distinguishes “character evidence” from motive evidence?
9. Why does the Case Library to this chapter present Michelson v. United States?
No readings from the casebook.

After Chapter 3, you will be able to answer the following questions:

1. What is habit evidence?
2. Under what circumstances is habit evidence admissible?

Days 2 – PPT - Overview of Impeachment – FRE 607-611.
Day 3 - Chapter 12, Impeachment, pp. 453-480.

Case Assignment
State v. Caldwell, p. 460.
People v. Segovia, p. 466.
State v. Guenther, p. 471.
State v. Hardy, p. 480.

After Chapter 12, you will be able to answer the following questions:

1. Is there a witness testifying at a hearing or proceeding before, during, or after the trial?
2. Is the witness under oath and subject to cross-examination?
3. Is the witness offering evidence going to the background of the case, an element of the claim, defense, or cause of action, or the impeachment of another witness?
4. Is the witness on direct, cross, redirect, or re-cross examination?
5. If this is the proponent’s witness, what objections to the witness’ testimony can be anticipated?
6. If the witness is being impeached, is the impeachment intrinsic (from the witness’ mouth) or extrinsic (by offering other evidence or another witness)?
7. If the impeachment is intrinsic, is it in a permissible form?
8. If the impeachment is extrinsic, does it satisfy the collateral issue?

Week 11
Day 1 – Finalize Chapter 12 and related cases.
Days 2 – PPT – Overview of Witnesses – FRE 601-606

After Chapter 13, you will be able to answer the following questions:

1. When is a witness competent to testify?
2. Why does Rule 602 prohibit testimony by a witness who lacks personal knowledge?

Day 3 - PPT Lay and Expert Witnesses – FRE 701-706
Do not read Chapter 14; read only the case assigned.

Week 12
Case Assignment
After review of FRE 701-706, you will be able to answer the following questions:

1. What is the difference between expert and lay opinion?
2. To what relevant issues does any proffered expert testimony relate?
3. If the opinion testimony is “expert,” is the expert “qualified” by knowledge, skill, experience, training, or education to testify in the form of an opinion or otherwise?
4. If the expert is so qualified, does the expert’s testimony involve: a) scientific knowledge; b) technical knowledge; c) other specialized knowledge? Does this matter?
5. Is the expert opinion based on:
   a. a hypothetical question?
   b. observations personally made by the expert in the courtroom?
   c. observations personally made by the expert outside the courtroom?
   d. information provided to the expert prior to trial?
6. Does the expert offer his or her opinion to a “reasonable degree of professional certainty”? Does this matter?
7. What is the likely impact of the expert’s opinion on the jury? For example will the testimony “overawe” the jury or otherwise lead it to be unfairly prejudiced, misled, or likely to give the testimony undue weight?
8. Has the expert testified to an “ultimate issue” by stating an opinion or inference as to whether a criminal defendant did or did not have a mental state or condition constituting an element of a charged crime or offense?
9. As to the major premise of the expert syllogism, have the principles and methods (techniques) used by the expert shown to be both relevant and “reliable,” with reliability shown by weighing a wide range of pertinent factors including:
   a. Whether the principles and techniques are testable and have been tested (that is, has a hypothesis been generated, and have adequate efforts been made to falsify the hypothesis, with no such falsification yet having been achieved)?
   b. Have the theory and technique been subjected to:
      1. peer review?
      2. publication?
   c. What is the technique’s known or potential error rate?
   d. Has the principle or technique attained “widespread acceptance”?
   e. Are there standards controlling the technique’s operation?
10. Has cross-examination of the expert inquired into such matters as:
    a. The non-existence of any particular basis on which the expert relied that might, if shown, alter the opinion?
    b. The existence of contrary or additional bases that would alter the expert’s opinion.
    c. The materials the expert reviewed or failed to review?
    d. The tests or other investigations the expert conducted or failed to conduct?
e. Any financial compensation the witness received for giving advice and testimony?

f. The contradiction between his assertions and those by others in “learned treatises”? exception to the hearsay rule?

Lay or expert opinion?

11. Is the testimony being sought “lay” or “expert”?
12. If the testimony involves “lay opinion” is the opinion:
   a. “rationally based” on the perception of the witness and
   b. helpful to a clear understanding of the witness’ testimony or the determination of a fact in issue?
   c. Does it express a “collective fact” or a “skilled lay observer’s opinion”?

Week 13
11-2 Days 1 and 2 – PPT- Authentication and the Original Writing Rule.
FRE 901, 902, 903, 1001-1008

► After reviewing the FRE, you will be able to answer the following questions:

1. Is the thing to be admitted into evidence what it purports to be?
2. Have all of the “magic” foundation questions for authentication been asked of the witness in a recognizable form?
3. Does the so-called best evidence rule apply to the case?
4. To determine the applicability of the best evidence rule, is a party proving the contents of a writing that is important to the case?
5. If the best evidence rule applies, is there an adequate alternative to the original writing that can serve as a substitute?

❖ Privileges, Judicial Notice, and Burdens will be covered via video tutorials.

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<tr>
<th>Essential Policies:</th>
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<tr>
<td>Blackboard Protocol</td>
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<tr>
<td>To ensure things run as smoothly as possible, please read and adhere to the following norms.</td>
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<tr>
<td>• Enter the session at least 5 to 10 minutes before class begins. Take time to attend to any technical matters and have all class materials on hand.</td>
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<tr>
<td>• If you experience technical difficulties, use the “dial-in” option to attend via phone. That way, you do not miss class and you can attend to your technical difficulties after class ends.</td>
</tr>
<tr>
<td>• Test your microphone before class begins. Then, MUTE YOUR MICROPHONE. Do not share your microphone unless you are called on by me to do so.</td>
</tr>
<tr>
<td>• TURN OFF YOUR VIDEO SHARING. Unless I notify you otherwise in advance of class, you will not need to share your video.</td>
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</tbody>
</table>
• Use the “raise your hand” feature if you have a question. If I call on you to ask your question aloud, you may unmute your microphone to do so.
• If I do not call on you to ask your question aloud, please type your question in a private message to me (not a chat to everyone) and I will get to your question as soon as possible, likely before the end of class. I will video all classes and they will be available in my course session about two hours after I record the class.

My Teaching Philosophy

My teaching philosophy has evolved during my thirty years of teaching in the legal profession. It is partly grounded on the words of the Lebanese poet, Khalil Gibran: “The teacher who is indeed wise does not bid you to enter the house of his wisdom but rather leads you to the threshold of your mind.”

I am thoughtful and passionate about my teaching. I teach by example, so I strive to be diligently prepared and to challenge students to excel. I am mindful that each student learns differently, so my teaching style evolves to meet the needs of my students. I believe that repetition and reinforcement of the legal concepts are pivotal in learning the law, so I provide different teaching tools to accomplish this goal. Above all, I strive to ensure that students fully understand the foundational principles so that their learning is meaningful and effective.

As I reflect on my years of teaching I find that my mission is rooted on three principles: to spark enthusiasm for learning; to create a positive learning environment; and, to infuse professionalism and compassion in my students.

Through the years, I have learned much from my students. I am humbled by their determination to succeed and their dedication to the task. I care about my students, and I believe that all of them can become successful lawyers. But being a lawyer is a huge responsibility and I strive to ensure that my students will be ethical and competent practitioners.

Attendance Policy

Students are required to attend classes consistent with the format of the enrolled course. For 100% online courses, both the American Bar Association and the Law School rules obligate the professor to obtain assurance that the person who logs into the course online participates in class, takes quizzes and exams, and engages fully in class. Professors may require attendance to be contingent upon confirmation of identity via webcam or require webcams to remain on for the entire class period.

Class attendance will be taken via ROLL CALL by me at the start of class. If you are not present by the end of the ROLL CALL, or if you log in late, then you will be considered ABSENT. Extenuating circumstances can be submitted to me via email within 24 hours of the event.
| Professionalism | *Students are expected to demonstrate professionalism by adhering to the course policies and procedures explained in this syllabus.*  
In keeping with the professional school environment, students should remember to respect their fellow classmates and the Professor at all times.  
Please refrain from engaging in distracting conduct while in online class.  
Please remember to turn refrain from using your cell phones UNLESS you are using it to call into the ZOOM class meeting. |
|---|---|
| Accommodations Policy | *Accommodations/Excused from Graded Quizzes or Tests, etc.*  
An “accommodation” is defined for these purposes as any student request for deviation from the time, date, or circumstances under which scheduled graded assignments are administered. Students must apply to and be granted WRITTEN accommodation by the DEAN’S OFFICE if he/she will not be in attendance for any graded assignment or test (e.g., graded quiz and midterm/final exams). Once granted, the professor must receive official confirmation from the DEAN’S OFFICE of any ALTERNATIVE DATES or accommodated changes that have been granted to the student. All requests for ACCOMMODATIONS must be handled by the Dean’s office rather than by the professor. ORAL CONVERSATIONS made with EITHER the professor or the DEAN’s OFFICE, ARE NOT BINDING.  
• Students requesting accommodations may do so through the Office of Student Affairs. |
| Calendar | FALL SEMESTER 2020 (Modified 13-Week Schedule) |
| Orientation | Mon-Fri | August 3 – 7, 2020 |
| First Day of Class | Monday | August 10, 2020 |
| Last Day to ADD/DROP | Wednesday | August 12, 2020 |
| Labor Day (NO CLASSES) | Monday | September 7, 2020 |
| Purge of all unpaid course selections | Monday | September 14, 2020 |
| Mid Term Examinations | Mon – Fri | October 5-9, 2020 |
| Last Day to Drop a Class with grade of | Friday | October 30, 2020 |
| Last Day of Classes | Wednesday | November 4, 2020 |
| First Year Professors’ Grades due | Wednesday | November 4, 2020 |
| Reading Period (NO CLASS) | Thurs- Sun | November 5-8, 2020 |
| Final Examinations | Mon – Thu | Nov 9 – 19, 2020 |
| Commencement Exercises | Saturday | November 21, 2020 |