EVIDENCE
FALL 2010
PROFESSOR GODSEY

Text Book:
George Fisher, EVIDENCE (2nd Edition, Foundation 2008), and latest Rules/supplement book that goes with it. They are listed together on Amazon.com. You do not need the examples and explanations book that is packaged with it on Amazon.

Grading:
Your grade will be determined based upon how many points you receive out of an approximate 500 for the entire course. The final examination will be worth a maximum of 450 points (roughly 90% of the possible points for the course), and class preparedness/participation approximately 50 points (roughly 10%). The point totals from both categories will be added together to determine your total points for the course, and your grade will then be derived from that combined number based on a curve. The school's honor code will be adhered to at all times.

Office Hours:
My office is located in the Ohio Innocence Project offices in the Droege Center of the law library. My phone number is 556-0107, and my e-mail address is markgodsey@gmail.com. You may stop by my office or e-mail me at any time. The best way to reach me is email as I always have my phone with me and I check email frequently.

Syllabus (subject to modification as necessary):
For the first class, please read pages 1-30 Problem 1.6. We will not get through the entire book, of course, but we should at least get through hearsay and beyond.

Here are some important guidelines for preparing for class. In class, we will be focusing more on problems than on cases. We will discuss the cases, but the emphasis in each class will be on using the Rules and the cases to solve the problems set forth and highlighted in each reading assignment. The problems will come from two sources: (1) the problems in the book for each night's reading, which you will have in advance and for which you can prepare answers; and (2) movie clips that I play in class, for which you cannot directly prepare for since you won't know in advance which clips I'll be playing. Your goal for each night's reading should be to understand the Rules at hand, and the cases interpreting those Rules, and then figure out how to answer the problems delineated in the reading. You use the Rules and the cases interpreting those Rules to answer the problems. I am not promising that I won't on occasion treat a case in Socratic fashion, "Please tell me the facts of X case," but the emphasis of the class will be more on "How did you solve problem number 3.2? If you were the judge, would you admit the evidence or throw it out? What would you argue if you were a prosecutor/plaintiff? What would you argue if you were on the other side?" You need to be able to pull from the Rules and cases to support your position. Coming into each class, therefore, your priorities should be: (1) can I answer all the questions in the book?, (2) Can I point to a source for how I answered it, either a Rule, its commentary or a case in the reading?; and (3) do I understand the Rule and the cases well enough to answer more questions on the fly from the movie clip hypos that will be posed in class?

Also, when you come across a Federal Rule of Evidence in the textbook, for example, where it says "Highlight on Rule 404(b)," stop, pull out the Rule book, and read the Rule and the commentary in its entirety before reading on. This is, after all, a rule-based class. The cases are just there to help you interpret the Rules so that you can answer the problems. As you attempt to answer each question, keep going back to the Rule and see if you can find something that helps you answer it. The answers are usually there, but it might take going back and re-reading the Rule a few times to get it.