

EVIDENCE

JURI 4250 | Spring 2025

Professor John Meixner | john.meixner@uga.edu

Mondays, Wednesday, & Thursdays | 1:00 PM – 2:10 PM | Room C

COURSE DESCRIPTION AND OBJECTIVES

Welcome to Evidence! Evidentiary rules dictate when and how information is introduced at trial. For trial lawyers, of course, mastery of the rules of evidence is essential. But, as you will learn, even for those of you who will never try a case, understanding the rules of evidence is important. Every lawyer's work—whether during pretrial litigation or before litigation at all—is shaped by what *could* be proven at trial, as dictated by the rules of evidence.

This course will focus primarily on the Federal Rules of Evidence, which were adopted in 1975 and which form the basis for the evidence codes that have been adopted in most states (including Georgia). While we will sometimes discuss differences between the Federal Rules and the Georgia Evidence Code, our focus will be on the Federal Rules.

At the end of this class, you should (1) have a working knowledge of the Federal Rules of Evidence; (2) be able to apply the rules to a given item of evidence and argue persuasively for or against its admissibility; and (3) understand the various policy concerns, psychological assumptions, history, and practical courtroom pressures on the development of evidentiary rules.

COURSE MATERIALS

The majority of class readings will come from *Merritt & Simmons, Learning Evidence: From the Federal Rules to the Courtroom* (Fifth Edition, 2022). You will find that the book is different from most of the casebooks you used in your first-year classes—rather than presenting the rules through cases, the book outlines the rules directly, and then walks through a series of short, case-based examples.

In addition to the physical book, the newest edition provides access to some online videos, quizzes, and other study materials. Access to those is not required, but you may find them helpful, so keep that in mind when deciding which edition of the book to use. Also be aware that if you choose to use an older edition, your book may not always correspond to the assigned readings.

The book contains an appendix with the Federal Rules of Evidence, so you don't need to purchase a separate rules pamphlet. However, you might sometimes find it

handy to have access to the rules without flipping to the end of the book. You can access all of the rules online for free [here](#).

CONTACT INFORMATION AND OFFICE HOURS

My email address is john.meixner@uga.edu, and I encourage you to use it regularly, for questions both large and small. I will generally linger after class, and if you have a short question, you can ask right then. After that, I'll be in my office until 3 PM following class, and you can stop by if you'd like to discuss anything. If you'd like to meet at any other time, feel free to schedule a meeting with me using the calendar [here](#). When the weather is nice, I may occasionally hold office hours in the courtyard outside; I will notify the class when this is the case.

CLASS PARTICIPATION AND INTERACTION

General format. To learn evidence, you must practice. Thus, much of our class will be interactive and focused on working through various evidentiary puzzles together. We'll do this in a few different ways. Sometimes, I may call on you to discuss the rules and their application, much like in a 1L class. Other times, I may assign you a role as a plaintiff/prosecutor or defense attorney to argue for or against the admissibility of a particular piece of evidence. I will also sometimes ask you to conduct a mock direct examination (with me as the witness) to demonstrate evidentiary principles.

Passing. If you know before a class that you will be unprepared to respond to questions, you may send me an email at least two hours before class, requesting not to be called on that day. There's no hard cap on the number of passes you may take, but excessive passing may affect your participation grade.

Polling. We will be using the PollEverywhere system during class so that everyone can answer evidence problems and we can review the class's answers together. You will be able to access this system via either a laptop or phone/tablet. I will provide instructions on how to do that via the eLC page. Your polling responses will not be part of your grade, but I strongly encourage you to give it your best effort.

Respecting each other. We will sometimes discuss sensitive and difficult issues like racism, sexual assault, sexism, violence, and trauma. I'll do my best to flag especially difficult materials ahead of time. If you have particular triggers you'd like to discuss with me, please raise them with me individually (this will be kept confidential). During class discussions, I strive to make the class a place of respectful engagement. You may find you disagree with another student on a particular topic. Sometimes, I may assign you to argue a position that you might disagree with. I ask that you presume good faith in each others' arguments and treat each other with unwavering respect.

Pronouns and addressing each other. I use he/him pronouns and happily respond to “Professor Meixner” or “Dr. Meixner.” (For the reason why I prefer you don’t use my first name, see [this thoughtful piece](#)). At the start of the semester, I will ask you to email me some basic information, including your pronoun preferences and the correct pronunciation of your name. In class, I will expect us all to make a good faith effort to respect each other’s publicly stated preferences, while acknowledging that it is not always easy to shift to unfamiliar grammatical norms.

Technology. You may use laptops or other devices in class for class-related purposes only. Class recording by students is not permitted without express authorization.

ATTENDANCE

Attendance is mandatory, and critical to your learning. Evidence is different from many other subjects in law school: when an evidentiary issue comes up at trial, you won’t have time to consult a hornbook or speak with another lawyer about it. Instead, you must know the rules cold. Because of that, we will focus our class time on repeated practice of applying the rules. If you aren’t in class to participate in that practice, you will have a hard time learning evidence.

The class will follow [the Law School’s attendance policy](#). I will organize an online attendance sheet at the beginning of the semester and expect you to fill it out regularly. You are permitted four absences during the course of the semester. If at any time you think you will need to miss more than four classes, please notify me in advance by email, explain the situation, and request that the absence be excused. I will handle such requests on a case-by-case basis, doing my best to balance your wellbeing with reasonable academic expectations.

CLASS WEBPAGE

I will use [our course’s eLearning Commons \(eLC\) page](#) to communicate information about upcoming classes, as well as distribute course materials. I will generally post PowerPoint slides from each day’s class to the eLC page later that afternoon. Please make sure you check the page regularly, and check your eLC notifications to ensure that you are receiving updates for the course.

GRADING & FINAL EXAM

Your grade will be based on a final examination (90%) and two quizzes (10%). I also reserve the right to raise or lower your grade by one half grade (e.g., from a B to a B+ based on your participation in class and engagement with the materials. All grading will be consistent with the [policies outlined in the student handbook](#).

The mid-term quizzes will be held in place of two of our class sessions, as outlined on the schedule. You will be able to take them via eLC at a time of your own choosing during the designated time window. I have provided *tentative* dates for the quizzes in the schedule below, and will announce finalized quiz dates in advance so you have time to study. The final exam is scheduled for Tuesday April 29, at 9 AM. It will last three hours, and will include both multiple choice and essay questions.

For both the quizzes and the exam, you will be permitted to freely access the course book, the federal rules of evidence, and any notes or outlines you have prepared. You will not be permitted to access any internet resources during either the quizzed or the exam.

GENERATIVE AI POLICY

Developing skills in using generative AI is an important part of being an effective modern lawyer. To that end, you may use generative AI software such as ChatGPT to help you study in this class, review rules or cases, develop your outlines, or otherwise learn the material. However, you should note that the material generated by generative AI may be inaccurate, incomplete, or otherwise problematic. You should presume that facts it gives you are incorrect until you verify them independently. Beware that overly relying on AI may also stifle your own independent thinking and creativity.

While using AI as a study tool is permissible in this class, you may not submit any work generated by an AI program as your own. You may not use generative AI in any form during either the quizzes or the final exam.

LAW SCHOOL HONOR CODE AND UGA'S ACADEMIC HONESTY POLICY

All work done in this course is subject to the [University of Georgia Law School Honor Code and Plagiarism Policy](#), and the University of Georgia Academic Honesty Policy, and the University of Georgia Non-Discrimination and Anti-Harassment Policy.

MENTAL HEALTH AND WELLNESS RESOURCES

It is totally normal to seek out and use mental health services and related resources. If you or someone you know needs assistance, you are encouraged to contact Dr. Casey Graham, the law school Director of Student Affairs at 706-542-5167 or casey.graham@uga.edu. You may also contact Student Care and Outreach in the Division of Student Affairs at 706-542-7774 or visit <https://sco.uga.edu>. They

will help you navigate any difficult circumstances you may be facing by connecting you with the appropriate resources or services.

The law school has [a web page highlighting numerous health and wellness resources](#), including several resources specific to law students or the legal profession. UGA also has several resources for a student seeking mental health services. If you need help managing stress, anxiety, relationships, etc., please visit [BeWellUGA](#) for a list of free workshops, classes, mentoring, and health coaching led by licensed clinicians and health educators in the University Health Center. Additional resources can be accessed through the UGA App.

ADA ACCOMMODATIONS

Students requiring accommodations under the Americans with Disabilities Act should contact Dr. Casey Graham (casey.graham@uga.edu), the Law School Director of Student Affairs, who will ensure that the request is properly documented and that I receive instructions about your accommodation consistent with University policy.

Note: The course syllabus is a general plan for the course; deviations announced to the class by the instructor may be necessary

SCHEDULE

Please keep in mind that all assignments are ***tentative***, and may be changed by announcement in class or through the eLC system. Assignments are by chapter in your coursebook. You should complete all assigned readings before class and be prepared to discuss them.

	Date	Unit	Topic	Chapters
1	Wed 1/8	Introduction & Principles of Relevance	Intro; types of evidence	1–3
2	Thu 1/9		Trial structure; objections	4–5
3	Mon 1/13		Relevance	6
4	Wed 1/15		Probativity vs. prejudice	7–8
5	Thu 1/16		Civil policy exceptions	9–10
	Mon 1/20	NO CLASS – MLK DAY		
6	Wed 1/22		Criminal policy exceptions; misc	11–13
7	Thu 1/23		Unit 1 review & practice	None
8	Mon 1/27	Witnesses & Impeachment	Witnesses generally	14–15
9	Wed 1/29		Witness examination	None
10	Thu 1/30		Refreshing memory; basics of impeachment	16–17
11	Mon 2/3		Prior statements; character for truthfulness	18–19
12	Wed 2/5		Impeaching with convictions & reputation	20–22
13	Thu 2/6		Finishing impeachment; policy issues	eLC
14	Mon 2/10		Unit 2 review & practice	None
15	Wed 2/12	Character	Character evidence generally; criminal cases	25–28
16	Thu 2/13		Criminal cases	29
17	Mon 2/17		Other acts	30
18	Wed 2/19		Habit; rape shield laws	31–32
19	Thu 2/20		Specialized sexual assault rules; authentication	33; 69
20	Mon 2/24		Unit 3 review & practice	None
21		QUIZ 1; eLC ASSIGNMENTS		
22	Wed 2/26	Hearsay	Review quiz 1; Intro to hearsay	35–37
	Thu 2/27	NO CLASS		
SPRING BREAK 3/3–3/8				
23	Mon 3/10	Hearsay & Confrontation	Applying hearsay basics	None
24	Wed 3/12		Witness prior statements	38–39
25	Thu 3/13		Opposing party statements	53–54
26	Mon 3/17		Coconspirators	55
	Wed 3/19	NO CLASS		
	Thu 3/20	NO CLASS		
27	Mon 3/24		PSI; excited utterances; state of mind	40–41

28	Wed 3/26	Hearsay & Confrontation	Diagnosis; double hearsay; recorded recollection	42–44
29	Thu 3/27		Business & public records	45–46
30	Mon 3/31		Unavailable declarants	48–51
31	Wed 4/2		Unavailable declarants; confrontation clause	52, 58
32	Thu 4/3		Confrontation clause; miscellaneous	47, 56
33	Mon 4/7		Unit 4 review & practice	None
34		QUIZ 2; eLC ASSIGNMENTS		
35	Wed 4/9	Opinions	<i>Review quiz 2</i> ; lay opinions; basics of rule 702	60–61
36	Thu 4/10		Methods of expert testimony	62–64
37	Mon 4/14	Privileges	Intro; attorney-client privilege	66–67
38	Tue 4/15		Other privileges	68
39	Wed 4/16	Misc	Preliminary questions; best evidence rule	34, 70
40	Thu 4/17		Presumptions	71
41	Mon 4/21		Reform & other policy issues	eLC
42	Tue 4/22	REVIEW SESSION		
F		Final Exam (9 AM)		

Please note several deviations from our standard schedule. Three of our normal class sessions are canceled due to external speaking & teaching engagements that I have on those days: 2/27, 3/19, and 3/20. We will make up the time for two of those sessions through what is listed for class session 21 and 34. Each of those sessions will be composed of a 30-minute quiz, which you will take out of class through eLC, as well as a 40-minute asynchronous video. We will make up the time for the third missed session with a make-up class that is scheduled for Tuesday, 4/15, at noon. I will provide you with more details about these scheduling issues during class.