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EVIDENCE
SUMMER II 2023

1. Overview and Course Objectives

This course aims to provide you with a working knowledge of the Federal Rules of Evidence. The Rules of Evidence govern the introduction of proof at trial (e.g., testimonial, tangible, documentary, photographic, demonstrative, or scientific). To fully comprehend the Rules as applied during a trial, it is essential to study them in the context of litigation. We will therefore study the Rules and their application through case law and practice multiple-choice and short answer questions. The practice questions are generally formatted like the multi-state and uniform bar exams and are also good practice for the final exam in this class.

This course will be taught online, using a blend of synchronous (live) and asynchronous (on your own) learning techniques. This is a condensed course – meeting thirteen times in four weeks – which means that you must keep up with all of the assignments in order to earn a passing grade in this class. More details are set forth below in Sections 3 and 4.

2. Course Materials

There is one required textbook for this class:

- Merritt and Simmons’s Learning Evidence: From the Federal Rules to the Courtroom, 5th edition, (West Academic Publishing 2022), CaseBook Plus Format, ISBN: 9781684675784.

Our classroom will be managed via Canvas. Once enrolled in the course, you will be able to find our class page using the Canvas Dashboard through Access UH.

You must also enroll in the [online Learning Library](#) for this course. The Learning Library contains multiple-choice and short answer practice question sets that you must complete (in accordance with the timing set forth in the syllabus) to earn a grade of Satisfactory in this course. To enroll in our class’s Learning Library:

1. Go to <https://eproducts.westacademic.com>
2. Sign in or create an account.
3. Click the picture that looks like the front cover of our textbook *Learning Evidence: From the Federal Rules to the Courtroom* (it should be on your virtual bookshelf).
4. Then click “Enroll in a Course” and enter this code: **[TBD]**

5. If you do not see a picture of the front cover of our textbook on your virtual bookshelf when you log on to eproducts.westacademic.com, you need to either:
 - a. Click “Redeem Code” on the My Bookshelf page, enter the code that came with your hard copy textbook, and then go back to Steps 3 and 4, above, and enroll in the e-course.

- OR -
 - b. If you did not purchase a new textbook that came with a code, go to store.westacademic.com and purchase the Learning Library only option for the casebook. **Purchasing the Learning Library alone is \$50.** There are other options, but the Learning Library (plus the textbook itself, either in e-format or hard copy) will suffice for this class.

If you need help with the West Academic Learning Library, you can call West at 1-877-888-1330 (option 4) or e-mail them at support@westacademic.com.

There are many other helpful additional materials available on the subject of Evidence. None of these other materials is required, but you might find them helpful for explaining difficult concepts or for practice on multiple choice questions. These include the Q&A series on Evidence (available on the LexisNexis store online), the Examples & Explanations series on Evidence, as well as Goode’s Sum and Substance Audio on Evidence (Downloadable Audio Format). In addition, the library has a subscription to exercises available on CALL.

3. Grading

Your grade in this class will be based on the following:

- (a) **15% of Grade:** Completion of all assigned quizzes in the Learning Library, repeating each one until you get a score of 80% or above (I can see individual student completion rates and scores on the faculty page); and
- (b) **85% of Grade:** The Final Exam will be given remotely, in accordance with the UHLC exam schedule, via the EBB Portal. The Final Exam will be a combination of multiple-choice and essays and will be a cumulative assessment of your knowledge of the course material. It will be closed book.

UHLC uses an anonymous grading system to ensure fairness in grading. Your name should not appear anywhere on the final exam. You should not give me your exam number, and you should take care to avoid providing information on graded assignments that may identify you.

This course is subject to a mandatory grading curve. The average grade in each section must be between 3.2 and 3.4.

The UHLC Honor Code applies to this class. <http://www.law.uh.edu/student/HONOR-CODEAND-PROCEDURES.pdf>. Students are responsible for knowing its provisions and

complying with them. Please direct any questions regarding the Honor Code's applications to specific activities to me.

4. Class Times and How to Reach Me

Class meets three times each week, on Mondays, Tuesdays, and Wednesdays from 6:00 pm to 8:45 pm. Class will be held live via Zoom beginning at 6:00 pm each evening. The Zoom link will be posted on our class Canvas page the week before the semester begins.

The live portion of the class typically will last 120 to 150 minutes, with one five- to ten-minute break. Every class will be recorded and the video posted to our class Canvas page. However, you are required to attend at least 11 of the 13 live class meetings to earn a passing grade in this class. If unforeseen circumstances will prevent you from attending at least 11 live classes, please e-mail me as soon as practicable to let me know, so that we can talk about your options.

The remainder of the instructional minutes each week will be provided via asynchronous modules that you will complete on your own before the Monday class of the following week. Completion of the asynchronous assignments is required to pass this course because falling behind will make it very difficult for you to learn the material in this condensed format and given the fact that Evidence is a cumulative subject.

Any changes to the regularly scheduled class time will be announced via email and/or in class.

I will hold virtual office hours on Wednesdays at 12:00 pm. I am also typically very quick to respond to e-mails, so please do not hesitate to reach out anytime at argomez3@central.uh.edu. If talking over the phone is easier for you, simply send me an e-mail to set up a time.

5. Preparing for Class

Evidence is a dense subject that is heavily tested on the Bar exam, for which you will not be able to use outside materials, including the Rules. I therefore recommend that you prepare well for class to maximize your ability to internalize the materials.

You are expected to be prepared to discuss the material that I assign for each day of class. I will call on you at random. You should carefully read the evidence rules, as well as the assigned materials in the book. In class, we will discuss the application of the rules to various situations. I will assign and provide you with the Texas rules when they vary significantly from the federal rules.

If you will not be prepared for class, I ask that you let me know by email before class.

6. Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA

guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact [the Justin Dart Jr. Student Accessibility Center](#) (formerly the Justin Dart, Jr. Center for Students with DisABILITIES).

7. Chosen Names and Preferred Pronouns

I want to address each of you in a manner that corresponds to your identity. Although mistakes happen, chosen names and preferred pronouns—including non-binary ones such as they / them / their—must be respected in my classroom. Feel free to reach out to me at any time if you want to make me aware of your chosen name or preferred pronoun, or if you have concerns about how your classmates or I address you.

8. Counseling and Psychological Services

Counseling and psychological services (CAPS) is available to help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. www.uh.edu/caps. You can reach CAPS by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is needed for the “Let’s Talk” program, a drop-in consultation service held at convenient locations and hours around campus. http://www.uh.edu/caps/outreach/lets_talk.html.

The Texas Lawyers’ Assistance Program (TLAP) also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at any time at 1-800-343-8527. TLAP’s website includes a page with links to sources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students>.

9. Student Health and Safety

Title IX/Sexual Misconduct

Per the UHS Sexual Misconduct Policy, your instructor is a “responsible employee” for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equalopportunity/title-ix-sexual-misconduct/resources/>.

Security Escorts and Cougar Ride

UHPD continually works with the University community to make the campus a safe place to learn, work, and live. Our Security escort service is designed for the community members who have

safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety please call [713-743-3333](tel:713-743-3333). Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called Cougar Ride that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/afuniversity-services/parking/cougar-ride/>.

Other Helpful Information

Coogs Care: <https://uh.edu/dsa/coogscare/>

Student Health Center: <https://www.uh.edu/healthcenter/> <https://www.uh.edu/healthcenter/>