**University of Baltimore School of Law**

**SPRING Semester 2018**

**Course Name**  **Evidence**

 **Course Number: LAWG651.319G**

**Instructors**: **Judge Joseph F. Murphy, Jr. (Retired)**

**410.385.2225**

 **Erin C. Murphy, Esq.**

**emurphy@mdattorney.com**

**Days/Time: Wed/Fri 9:00 AM-10:15 AM**

**Location:**  Room assignments are available through MyUB.

**Course Description**:

This Course will cover (1) the Maryland law governing the proof of issues of fact in civil and criminal trials including functions of the court and jury; competence of witnesses; examination, cross-examination and impeachment of witnesses; presumptions, burden of producing evidence and burden of persuasion; privileges against disclosure of information; relevancy; demonstrative, experimental and scientific evidence; opinion evidence; admissibility of writings; parol evidence rule; hearsay rule; and judicial notice, and (2) the Federal Rules of Evidence governing the above stated topics.

**Course Materials:**

REQUIRED CASEBOOK: none

REQUIRED TEXTBOOK: none

RECOMMENDED CASEBOOK: none

RECOMMENDED TEXTBOOK: Joseph F. Murphy, Jr., *Maryland Evidence Handbook* (4th Ed. LexisNexis Matthew Bender)

**Student Learning Outcomes:**

It is obvious that knowledge of the rules of evidence is an essential component of effective trial advocacy. It is also essential, however, that lawyers advising clients and/or drafting documents on behalf of clients understand what will – and will not – be “received into evidence” in the event that the client’s agreement/dispute/issue/problem ends up in litigation. The Evidence Course will therefore benefit students interested in providing “transactional” legal services as well as students interested in becoming litigators.

**Grades:**

The student’s grade will be based almost entirely upon the final examination, but will depend in part on the student’s class participation. The final 3-hour/3-part “open book” exam will consist of: (1) a “multi-state” type section, which will be 50% of the grade; (2) a “short answer” section, which will be 24% of the grade; and (3) an essay question, which will be 26% of the grade. As to class participation, (1) we reserve the right to deduct no more than 2 points from the final exam grade of a student who was never prepared when called upon, and (2) we will add no more than 3 points to the final exam grade of a student who was always prepared for class discussion.

**Course Expectations:**

Students are expected to complete all reading assignments before class and, when called upon during class, to demonstrate that they understand the evidence issues presented in the assignments.

**Attendance**:

A student who has more than 5 unexcused absences will not be permitted to sit for the final exam and should expect to receive a grade of FA (failure due to excessive absence).

**Computers:**

Students may use laptop computers during class.

**Class Cancellation:**

If we must cancel a class, notices will be sent to students via email and posted on the classroom door. In the event of inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

**Academic Integrity:**

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor\_code/.

**Title IX Sexual Misconduct and Nondiscrimination Policy:**

The University of Baltimore’s Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB’s nondiscrimination policies can be found at: http://www.ubalt.edu/titleix.

**Disability Policy:**

If you are a student with a documented disability who requires an academic accommodation, please contact

Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

 **ASSIGNMENTS**

**Cases for Class Discussion on 1/17/18**

***Klauenberg v. State*, 355 Md. 528, 735 A.2d 1061 (1999)**

***Ruffin Hotel Corp. of Md. v. Gasper,* 418 Md. 594, 17 A.3d 676 (2011)**

**As the students in this class are lawyers, the first class will include a discussion of their particular educational interests and needs. Upon receipt of this information, the instructors will select reading assignments that will hopefully achieve every student’s objectives.**