CRM 385 LAW OF EVIDENCE Fall 2015

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Office Hours: MON-THUR 10am-noon.

READ THIS SYLLABUS BEFORE YOU RETURN TO CLASS!

Required Reading:
Federal Rules of Evidence (Ninth Edition), by Graham. Course Objectives:

This course is intended to introduce the student to rules of evidence that apply to both criminal and civil cases. In this class, we will focus almost exclusively on the Federal Rules of Evidence. In addition to dictating admissibility in federal cases, these rules have been adopted by about forty states. North Carolina follows these rules more closely than most states. In other words, a person practicing law in North Carolina - civil or criminal, state or federal court - must become familiar with these rules. You do not need to have any interest in practicing law in order to benefit from knowledge of evidence law. Those interested in law enforcement undoubtedly foresee testifying some day in a court of law. These rules will impact the substance and presentation of that testimony. If you are unsure of what you intend to do, you will still benefit from a tremendous intellectual challenge.

Course Activities: I will usually spend Mondays going over new rules. I will usually spend Wednesdays talking about hypothetical problems that will test your understanding of the rules.

Grading: There will be three tests, each worth 33% of your grade. The good news is that all three tests will be in true/false format. The bad news is that you must explain why an answer you marked false is false.

Test One (September 23) will cover: General Relevance and Privileges.

Test Two (October 28) will cover: Witness Examination/Impeachment, Expert Witnesses.

Test Three (December 4, 3 pm for 3:30 pm class; December 9, 3 pm for 2 pm class) will cover: Hearsay.

Attendance: You may miss class twice. I will count three points off your final average for each additional absence.

Who is Davidson Myers?

If you have not yet heard (or read) about me, I am an outspoken professor who has, at times, been critical of certain aspects of evolution. I mention this because it affects the way I see you and the way I will treat you this semester.

Rather than seeing you as the mere product of random mutation, I see you as a unique individual endowed by his Creator – not just with a right to life, liberty, and
the pursuit of happiness – but with a purpose. Each one of you has unique and special talents and along with that a distinct purpose in life that makes you not just unique but irreplaceable.

Unfortunately, I sometimes have students who resist fulfilling their God-given potential. Often, they do things in college that hurt their chances of success in life. One good example is a fellow named Davidson Myers whom I first taught in the fall of 1999.

Davidson, who aspired to be a lawyer, came into my class late on several occasions. He was also prone to turning around in his seat and yapping in class with another student by the name of Paula Tyndall. This went on for weeks until Davidson the aspiring lawyer got back his first test grade. It was a “C” in a class called “Criminal Law and Procedure” that was central to his career aspirations. He was devastated and came by the office to see me.

When Davidson came by he told me he could not afford to be getting “Cs” because he was going to be a lawyer. My response to Davidson was simple: “No, you’re never going to be a lawyer. Not until you get your (offensive term deleted) together.”

A truly bizarre thing happened to Davidson after I told him to get to class on time and pay attention or he would never amount to anything. He actually did what I told him to do.

In addition to getting an “A” on my next exam he took another of my courses the next semester. He got an “A.” Today, he is a lawyer married to another lawyer. He and his wife have successful practices here in North Carolina. When I called him to ask permission to share his story he laughed uncontrollably. I consider him and friend and someone I would hire were I to get into trouble with the law.

By the way, here is the reason I am sharing Davidson’s story with you today:
1. Every time you enter my class late – even one second late (as you should be in your chair before the class begins) – I will send you an email with the question “Who is Davidson Myers?” in the subject line. If you can tell me who he is, I will only deduct one point from your final average. If you cannot, I will send another email, which will cost another point.
2. Every time you flap your jaws with one of your classmates while I am lecturing I will send you an email with the question “Who is Davidson Myers?” in the subject line. If you can tell me who he is, I will only deduct one point from your final average. If you cannot, I will send another email, which will cost another point.
3. Every time I see or hear your cell phone in my class I will send you an email with the question “Who is Davidson Myers?” in the subject line. If you can tell me who he is, I will only deduct one point from your final average. If you cannot, I will send another email, which will cost another point.

Note: Before class begins, you need to avoid using your cell phone in the classroom. No one wants to hear your business. Take it out in the hall, please.

All points deducted will go into a special fund available to credit (at semester's end) those students who follow the rules. In other words, they will go to those who never received a “Who is Davidson Myers?” email.