The assignment for the first Evidence class on Monday, August 24, is:

**INTRODUCTION**

Lempert Text pp. ix-xii

Kansas Supplement pp. i-ii [these pages are immediately after the Table of Contents and before page 1]. Also read the material on pp. 769-770 of the Federal Supplement. [NOTE: These references are to the blue-colored 2013-2014 Federal Supplement and the red-covered 2011-2012 Federal Supplement; if you have the green-covered 2012-2013 edition, the latter page references are 765-766.]

**FOR CLASS DISCUSSION**

Lempert Text 1-15; 141-147 and Federal Rules Supplement 772 (Section 4) [p. 768 in the green-covered edition]

Federal Rules of Evidence 601, 602, 603, 701 and 704(a) [the Kansas counterparts of these rules are K.S.A. 60-407(a) and (c), 60-417, 60-419, and 60-456(a) and (d), found in the Kansas Supplement; most of these particular statutes do not vary materially from the Federal Rules but we will study others Kansas statutes that do.]

Kansas Supplement 125-126 (Section E); 128 (section b); 121 (section B1); and 119 (section A 1-4) [For Wednesday, you also should read 70-72.]

Lempert Text Problems II-1 and II-2 (p. 147) and Problems II-14, II-15, and II-16 (p. 196)

**OTHER COMMENTS**

Class discussion Monday will focus on the problems and the text discussion on pp. 141-148. The textbook contains virtually no appellate opinions. Rather, the authors give a textual explanation of the evidence rules and the reasons for them. The problems require you to apply the text of the rules and the author's textual explanations. Some problems will involve situations in which the rules don't give a clear answer and we will discuss how lawyers develop arguments that the judge should interpret the rules to benefit their clients.

Chapter 1 (text 15-140) is a transcript of a criminal trial in Illinois. While entering students may have watched excerpts of a televised sensational trial, our authors' perception is that many law students haven't observed a full jury trial (or at least a well-tried one). The transcript is meant in part to fill that void. It is fairly easy reading. For the first day, I am assigning only pp. 15-36, i.e. through the direct examination of the "victim." - at p. 19 footnote 9, read Federal Supplement p. 784 (Section 7) [p. 780 in the green-covered version] and Kansas Supplement p. 69.

Cross-examination, redirect examination, and re-cross-examination of the *victim* continue until p. 65. If you have the time, you profitably could read the entire transcript before classes start - it is a good introduction to basics. In any event, you should complete it no later than the end of the second week of classes. The authors use extensive footnotes to the transcript to explain basic matters about the order in which evidence is introduced, how lawyers examine
witnesses and introduce exhibits, and how lawyers make and respond to objections. Thus, you should concentrate on the footnotes. We will not go through the transcript in class line-by-line. Whenever the authors' explanations are clear, we will not repeat them in class. However, we will refer throughout the course to portions of the transcript for examples of evidence issues we are discussing.

I will distribute an electronic copy of the syllabus as well as a hard copy on the first day of class.