

ATTN: PAT MORRIS

**PARALEGAL LAW 16: CIVIL AND CRIMINAL EVIDENCE
Fall 2014 Section 4649**

**3 Units, Prerequisite Law 10
Room D107 6:45**

**Instructor: Brad Miles Fox
Los Angeles Superior Court
Southwest District – Torrance**

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Office Hours: 5:30 – 6:30
e-mail for appointment**

LEARNING OBJECTIVES

Course is designed to educate and orient students, specifically those with goals to become paralegals or legal assistants, on the law of evidence. It will focus on the practical application of the rules of evidence in both civil and criminal cases. Actual cases and hypothetical situations will be used to demonstrate the typical and proper utilization of the rules. The role of the paralegal in performing witness interviews, discovery, deposition summaries, and trial preparation will be emphasized.

COURSE DESCRIPTION

Essentials of the law of evidence, in its use and application in court, depositions, motion practice and trials. Common law principles, Federal and California case law will be covered in the context of lectures, case discussions, and practical assignments. Evidence topics covered will include relevancy, character evidence, examination of witnesses, hearsay, privileges, and competency.

COURSE TEXTS, REFERENCES AND SUPPLIES

**Evidence For Paralegals, Fourth Ed., J. Marlowe
California Evidence Code,
Scantron card, #2 pencils, internet access**

STUDENT LEARNING OUTCOMES

- A. Critical Thinking: Analyze problems by differentiating fact from opinions, using evidence, and using sound reasoning to specify multiple solutions and their consequences.**
- B. Communication: Effectively communicate thought in clear, well-organized manner to persuade, inform, and convey ideas.**

- C. Ethics: Practice and demonstrate standards of personal and professional integrity, honesty and fairness: apply ethical principles.

WEB LINKS

Websites will be noted throughout the semester referencing lecture/discussion topics. You will find statutes, case law and other information at the following websites:

www.courtinfo.ca.gov

www.lasuperiorcourt.org

Assignments/Class Schedule

Please Note: This schedule is subject to change by the instructor. Additional handouts and assignments/dates will be given throughout the semester.

CH denotes chapters to coincide with lecture(s).

Sept 8 Course Description, Objectives & Expectations
 Introduction to Evidence
 Historical Development
 Common Law
 What is Evidence?
 Role of the Paralegal

Sept 15 Types and forms of evidence
 Relevancy
 Admissibility
 Offering of Evidence
 Form Objections
 Limited Purpose rule
 Courts discretion to exclude evidence(CEC352)

HW Ch 1 & 2 (Marlowe)

Sept 22 Character Evidence
 Defined
 Civil Cases
 Criminal Cases
 Non-Character purpose
 CEC 1101

HW Ch 3

- Sept 29** **Paralegals and Evidence**
B & P Sections 6450-6456 (Handout)
Habit Evidence (distinguished from character)
Modus Operandi
HW Ch 4
- Oct 6** **Witnesses and Competency**
Personal Knowledge
Oath
Judges and Jurors
Direct Examination
Cross-examination
HW Ch 5
- Oct 13*
- Oct 20** **Impeachment**
Bias, interest, motive
Prior inconsistent/consistent statements
Prior convictions
Moral Turpitude conduct
HW Ch 6
- Oct 27** **Opinion**
Lay Witnesses
Expert witnesses
Foundations
Court appointed experts
Scientific evidence
Kelly _Frye rule
Film

HW Ch 7
- Nov 3** **Role of Paralegal in Settlements**
Plea Bargains
Insurance
Pleas in criminal cases
Character Evidence ... Ch 3
HW Ch 8
- Nov 10** **Midterm distribution**
Privileges ... Ch 12

Nov 17 Hearsay
 Hearsay Rule
 Purpose
 Non-hearsay
 Introduction to hearsay exceptions

 HW Ch 9
 Midterm Due

Nov 24 Hearsay Exceptions
 Admissions
 Declarations against Interest
 Prior statements
 Spontaneous statements
 Dying declarations
 Physical Abuse
 Former Testimony

 HW Ch 10

Dec 1 Authentication
 Marking and identification of exhibits
 Offering into evidence
 Chain of Custody
 Authentication
 Business records
 Computer generated records
 Best evidence role

 HW Ch 11

Dec 8 Constitutional Issues
 Fourth Amendment (search and seizure)
 Exclusionary rule
 Fifth Amendment (self-incrimination)
 Miranda rule
 Sixth Amendment (Confrontation/cross-examination)
 HW Ch 12
 Privileges
 Constitutional Privileges
 Statutory vs. constitutional rights
 Confidential communication privileges.
 HW Ch 13

Notebooks Due

Dec 15 Final Exam

GRADING AND EVALUATION

Midterm 33 %

Attendance/Participation/Assignments 33%

Final exam 33%

ATTENDANCE

Your attendance will be recorded for each class session. If you are absent, you are responsible for the work or lecture material missed. All students are to exchange phone numbers and e-mails with a fellow student. Make-up exams are not given. Please turn off cell phones and pagers. Drinks but absolutely no food is allowed in class

Paralegal 16 Practical Assignments

1. Ethics of the paralegal
2. Case Brief ... FIRAC
3. Court watching form(s) – one session required
4. Evidence – Film evaluation eg My Cousin Vinny
5. Community service - extra credit
6. Attendance Log.

* Use thin binder/notebook w/contents page listing all assignments completed.

* Notebooks are due June 6, 2011(No Exceptions)