

**EVIDENCE**  
**JUDGE STANLEY P. KLEIN**  
**INTERIM SYLLABUS FOR SPRING 2009**  
**ANTICIPATED SCHEDULE**

<b>Class</b>	<b>Date</b>	<b>Topic</b>	<b>Required Readings</b>	<b>Rules</b>
<b>1</b>	1/07/09	Introduction, Objections	Evidence Law (Park) pages 1-11; 75-90	
<b>2</b>	1/12/09	Burdens and Presumptions	Evidence Law (Park) pages 91-110, 121-124 Courtroom Evidence (Goode) pages 71-73, Commonwealth v. Padilla, 69 Va. Cir. 409 (Fairfax 2006)	Proposed Rule 303
<b>3</b>	1/14/09	Burdens and Presumptions	Evidence Law (Park) pages 111-120, 124-126, Courtroom Evidence (Goode) pages 69-71	R301, R302
	1/19/09		<b>MLK Holiday*** NO CLASS***</b>	
<b>4</b>	1/21/09	General Mode of Examination	Evidence Law (Park) pages 11-28; 31-45; 52-74. Courtroom Evidence (Goode) pages 52-63; 201-208, 190-197; Park v. Robinson, 46 Va. Cir. 266 (Fairfax 1998)	R101, R102, R103, R104, R105, R106, R611, R614, R615
<b>5</b>	1/26/09	Judicial Notice, Competency	Evidence Law (Park) pages 45-51; 245-254 Courtroom Evidence (Goode) pages 63-69; 161-172	R201, R601, R602, R603, R604, R605, R606
<b>6</b>	1/28/09	Relevancy, Misc. Relevancy Topics	Evidence Law (Park) pages 129-137; 203-234 Courtroom Evidence (Goode) pages 73-84, 106-114	R401, R402, R403, R407, R408, R409
<b>7</b>	2/2/09	Misc. Relevancy Topics, Character Evidence	Evidence Law (Park) pages 234-244; Courtroom Evidence (Goode) pages 114-124; <i>Michelson v. United States</i> , 335 U.S. 469 (1948)	R410, R411, R412

<b>8</b>	2/4/09	Character Evidence	Evidence Law (Park) pages 194-196, 164-166, 137-156 Courtroom Evidence (Goode) pages 99, 84-89;	R405(b), R404(a)
<b>9</b>	2/9/09	Character— Mode and Witnesses	Evidence Law (Park) pages 159-164, 478-487 Courtroom Evidence (Goode) pages 99-103, 178-183	R405(a), R608
<b>10</b>	2/11/09	Bad Acts	Evidence Law (Park) pages 166-180 Courtroom Evidence (Goode) pages 89-99	R404(b)
<b>11</b>	2/16/09	Bad Acts	Evidence Law (Park) pages 180-194; 199-202; <i>Old Chief v. United States</i> , 519 U.S. 172 (1998); <i>Medici v. Commonwealth</i> , 260 Va. 223 (2000)	R404(b)
<b>12</b>	2/18/09	Relevancy, Habit, <i>Character Evidence Review</i>	Evidence Law (Park) pages 156-159, 196-198; Courtroom Evidence (Goode) pages 124-129, 103-106	R413, R414, R415, R406,  <i>R404, R405, R608</i>
<b>13</b>	2/23/09	Hearsay	Evidence Law (Park) pages 255-287, 383-394; Courtroom Evidence (Goode) pages 233-252; 287-288 <i>Mutual Life Insurance Co. v. Hillman</i> , 145 U.S. 285 (1892); <i>Bryant v. Commonwealth</i> , 39 Va. App. 465 (2002).	R801, R802, R805
<b>14</b>	2/25/09	Hearsay— Exceptions, Present Memory Refreshed	Evidence Law (Park) pages 287-304; 28-31 Courtroom Evidence (Goode) pages; 252-272; 197-200	R803, R612
<b>15</b>	3/2/09	Hearsay Exceptions	Evidence Law (Park) pages 304-352 Courtroom Evidence (Goode) pages 272-277 <i>Beech Aircraft v. Rainey</i> , 488 U.S. 153 (1988)	R803
<b>16</b>	3/4/09	Hearsay Exceptions, Unavailability	Evidence Law (Park) pages 352-374 Courtroom Evidence (Goode) pages 277-287	R804

	3/9/09		<b>NO CLASS</b>	
	3/11/09		<b>NO CLASS</b>	
<b>17</b>	3/16/09	Hearsay— Exceptions, Residual Exception	Evidence Law (Park) pages 374-383, 394-399 Courtroom Evidence (Goode) pages 288-291, 409-415	R806, R807
<b>18</b>	3/18/09	Hearsay and the 6 <sup>th</sup> Amendment	Evidence Law (Park) pages 399-408; Courtroom Evidence (Goode) pages 248-252; <i>Ohio v. Roberts</i> , 448 U.S. 56 (1980); <i>Crawford v. Washington</i> , 124 S.Ct. 1354 (2004), <i>Davis v. Washington</i> , 126 S.Ct. 2266 (2006)	
<b>19</b>	3/23/09	Experts	Evidence Law (Park) pages 509-514; 539-558; Courtroom Evidence (Goode) pages 208-211, 220-231	R701, R703, R704, R 705
<b>20</b>	3/25/09	Experts	Evidence Law (Park) pages 514-539 Courtroom Evidence (Goode) pages 211-220; 231-232; <i>Frye v. U.S.</i> , 293 F.1013 (D.C. Cir. 1923); <i>Daubert v. Merrell Dow Pharmaceuticals, Inc.</i> , 509 U.S. 579 (1993); <i>Kumho Tire Co. v. Carmichael</i> , 526 U.S. 137 (1999)	R702, R706
<b>21</b>	3/30/09	Impeachment	Evidence Law (Park) pages 461-472, 488-508 Courtroom Evidence (Goode) pages 172-178; 183-189	R607, R609, R610
<b>22</b>	4/1/09	Impeachment— Prior Inconsistent Statements	Evidence Law (Park) pages 472-478 Courtroom Evidence (Goode) pages 200-204	R613
<b>23</b>	4/6/09	Privilege	Evidence Law (Park) pages 416-438, Courtroom Evidence (Goode) pages 129-140; <i>Trammel v. United States</i> , 445 U.S. 40 (1980); <i>Upjohn v. United States</i> , 449 U.S.383 (1981)	R501, Proposed Rule 503

<b>24</b>	4/8/09	Privilege	Evidence Law (Park) pages 441-460 Courtroom Evidence (Goode) pages 140-149; <i>Jaffee v. Redmond</i> , 518 U.S. 1 (1996)	Proposed Rules 504, 505, 506, 507
<b>25</b>	4/13/09	Privilege, Waiver	Evidence Law (Park) pages 438-441 Courtroom Evidence (Goode) pages 149-160, 45-56	Proposed Rules 502, 508, 509, 510, 511, 512, 513
<b>26</b>	4/15/09	Authenticity	Evidence Law (Park) pages 559-591 Courtroom Evidence (Goode) pages 292-301	R901, R902, R903
<b>27</b>	4/20/09	Authenticity Original Document Rules	Evidence Law (Park) pages 591-600 Courtroom Evidence (Goode) pages 301-315	R1001, R1002, R1003, R1004, R1005, R1006, R1007, R1008
<b>28</b>	4/22/09 Last Day of Classes	Experts, Authenticity; Original Documents Rule Review		Review R701, R706, R901-R1008
	5/??/09	6 p.m.	EXAM	