



## FALL 2025 COURSE SYLLABUS

Course Number: Law 222-002  
Course Title: Evidence  
Credit Hours: 3  
Grading Mode: Letter Grade  
Meeting Time(s): Tue 6:05 – 9:00 pm  
Meeting Mode: on campus  
Exam Time(s): Dec 6, 6:00P  
Exam Mode: On Campus  
Prerequisite(s): Civil Procedure (Law 112)  
Corequisite(s): N/A

Instructor(s): Randy I. Bellows

Contact Info: [rbellow@gmu.edu](mailto:rbellow@gmu.edu)

### Reading(s) & Supplement(s):

#### **Learning Evidence from the Federal Rules to the Courtroom (Fifth Edition)**

Authors: Deborah Jones Merritt, Ric Simmons

ISBN: 978-1-68467-578-4

#### **Cracking the Evidence Code (Comprehensive): 300 Multiple Choice Questions for Law Students (First Edition)**

Author: Sydney Beckman

Copyright Date: 2025

ISBN: 9798895450239

This book is available at no extra cost to students as part of West Academic's Study Aid Collection (provided by the Law Library).

- To [access the book as a guest](#).
- To save highlights and use other features, you will need to [create an account](#).
- Once you have an account, you can [log in here](#).

### **Federal Rules of Evidence**

You will need access to a current version of the Federal Rules of Evidence (FREs), including the

December 2024 amendments. You can access the rules online at various sites, such as [LexisNexis](#), or purchase one of the many available commercial copies of the rules, such as Capra's Federal Rules of Evidence (ISBN 9798895458686). Please note that the version of the FREs that is in the textbook is not the latest version of the rules.

### Course Overview

Some law students expect to spend their entire careers in the courtroom, perhaps as civil litigators or criminal defense attorneys, or prosecutors, or domestic relations practitioners. For those law students, the answer to the question – *Why take a course in Evidence?* – is obvious: The course teaches students the fundamental rules governing the admission and exclusion of evidence in courts of law, and how an attorney uses those rules to prove or disprove a claim or cause of action. But even a law student who never intends to step foot in the courtroom needs to be well-versed in the rules of evidence. This is for two reasons: First, disputes can arise in virtually every area of the law; our courtrooms are the common arenas for the resolution of those disputes. So, even if you do not intend to be the trial lawyer who takes a matter to court, or defends a matter in court, the work that *precedes* litigation needs to be informed and guided by an awareness of the rules of evidence and how they might impact the matter in which you are engaged. Those rules may ultimately determine whether a contract will be enforced, a will's validity confirmed, a labor dispute resolved in your client's favor, or a government regulation upheld. Second, even non-litigators will occasionally find themselves standing before a judge or jury on behalf of a client and their cause. When that day comes, they too will be expected to know the "rules of the road" governing the admissibility of evidence.

### Course Learning Outcomes

By the end of the course:

- 1) Students should have a solid understanding of the rules governing the admission of evidence in courts of law and should be especially well-versed in the Federal Rules of Evidence.
- 2) Students should be proficient in recognizing common evidentiary issues and identifying the rule of evidence most pertinent to resolving the issue.
- 3) Students should understand the rules governing the admission and exclusion of hearsay testimony, and the application of the 6th Amendment's Confrontation Clause to the admission of out-of-court statements in criminal cases.
- 4) Students should be adept at making objections, and arguing for, and against, the admission of evidence based on the applicable rule of evidence.
- 5) Students should also be able to recognize those circumstances where strategic considerations might counsel against making an objection even when there is a valid basis for the objection.
- 6) Students should know how to lay the foundation for the admission of various types of: testimony and exhibits, including business records, tangible evidence, photographs, audio and video recordings, digital data, and forensic evidence.
- 7) Similarly, students should know how and under what circumstances a witness' testimony can be impeached, rehabilitated, or refreshed.
- 8) Students should know how to make a record for purposes of appeal, including when and how to make a proffer of evidence...

## Grading Policies

The grade in this class is based on a comprehensive final examination, further described below. In addition, in accordance with AR 4-4.2, final course grades can be raised or lowered by a single increment based on class participation (e.g., from B to B+ or from A- to B+.)

### Final Exam:

The Final Exam is Closed Book/Closed Notes. Students will be provided a copy of the Federal Rules of Evidence to use during the exam. The Final Exam will consist of multiple-choice questions and/or true-false questions, as well as short answer questions and/or essay questions.

## Classroom Policies

**Attendance:** Per AR 3-1.4, “maintenance of matriculation requires regular class preparation, participation and attendance, registration in the course of study required for the student’s program (full-time or part-time), successive registration for each fall and spring term of each academic year until study is completed, and compliance with all other relevant requirements.”

**Absences:** Per AR 4-1.1, “if a student is absent for any reason for more than 20 percent of the sessions of a course, the student is not eligible for credit in that course. A student who is not present for at least 75 percent of a session of the course is absent from that session.”

### Participation & Preparation:

“Regular and punctual attendance and class preparation are required to earn academic credit.” (AR 4-1). Since there are 13 class sessions, a student who misses more than three classes for any reason is not eligible to receive course credit. I use a sign-in sheet to monitor class attendance. To receive credit for a class, students must place their initials next to their name on the sign-in sheet.

### Use of Technology & AI:

**Strict Use Policy:** The use of generative AI tools is not permitted for any coursework in this course. Unauthorized use will be treated as a violation of academic standards. Students may use computers, tablets, etc., in the classroom, but only for the purpose of taking notes or accessing course material. Please ensure that cell phones do not ring in class.

## Use of Electronic Text Books During Exams

Students are permitted one laptop computer for exam taking purposes. Additional laptop computers or any other electronic data storage devices are not allowed in an exam room, unless permitted by the course instructor's *written* exam instructions. Electronic text books (e-books) may be used during exams that are designated as open book by the instructor, and the instructor allows text books to be used during the exam and allows access to a student’s computer files during the exam (open exam). E-books may not be used in exams where the instructor does not allow students to access their computer files during the exam (secure exam) even if the instructor permits access to text books. If the instructor has blocked access to the internet or computer files, you must bring a hard copy of the allowed text book(s) you wish to consult. Students will need to borrow or otherwise locate a hard copy of the e-book or print resources needed from the e-book to take into the exam room. The instructor determines the length of the examination and whether or not it is secure or open and what, if any, study materials are permitted during the exam. Students are responsible for adhering to the instructor’s standards for all examinations, which are included in the examination materials.

## Course Schedule & Assignments

### Week 1:

Date: **8/19/2025**

Topic (s): Course Overview

- Types of Courtroom Evidence
- Introduction to the Federal Rules of Evidence
- Structure of a Trial
- Objections and Making a Record
- Stipulations
- Relevance
- Exclusion of Relevant Evidence (Balancing Test)

Assignments:

**FRE:** 101-103, 105, 401-403, and 1101

**Readings:**

- Merritt: 1-83
- Beckman: Questions 1-10

### Week 2:

Date: **8/26/2025**

Topic (s):

Exclusion of Relevant Evidence (Specific Circumstances):

- o Subsequent Remedial Measures
- o Settlement Negotiations
- o Payment of Medical Expenses
- o Plea Bargaining
- o Liability Insurance
- Prerequisites for Witness Testimony
- o Competency
- o Personal Knowledge
- o Oath and Affirmations
- o Witnesses Excluded by Position

Assignments:

**FRE:** 407-411 and 601-606

**Readings:**

- Merritt: 89-177
- Beckman: Questions 21-29, 56-64

### Week 3:

Date: **9/2/2025**

Topic (s): Direct Examination

- Cross-Examination
- Court Calling and/or Examining Witnesses
- Excluding Witnesses from Courtroom
- Common Objections Regarding Testimony
- Refreshing a Witness' Memory
- Techniques for Challenging a Witness' Testimony
- Best Evidence Rule
- Illustrative Aids

Assignments:

**FRE:** 107, 607, 611, 612, 614, 615, 1001-1008

**Readings:**

- Merritt: 179-222, 929-947
- Beckman: Questions 30-45

### Week 4:

Date: **9/9/2025**

Topic (s): Impeachment with Prior Inconsistent Statements

- Rehabilitation with Prior Consistent Statements
- Extrinsic Evidence and Collateral Matters
- Limiting Instructions
- Character Evidence

Assignments:

**FRE:** 404(a), 608, 609, 610, and 613

**Readings:**

- Merritt: 223-294
- Beckman: Questions 65-75, 96-102

### Week 5:

Date: **9/16/2025**

Topic (s): Character Evidence (continued)

- Rule of Completeness

Assignments:

**FRE:** 106, 404(b), and 405

**Readings:**

- Merritt: 295-378
- Beckman: Questions 81-83, 103-105, 181-190

### Week 6:

Date: **9/23/2025**

Topic (s): Habit Evidence

- Prior Sexual Conduct Shield Laws
- Admissibility of Propensity Evidence in Certain Criminal Cases
- Preliminary Questions

- Presumptions
- Burdens of Proof and Burdens of Production

Assignments:

**FRE:** 104, 301-302, 406, 412, and 413-415

**Readings:**

- Merritt: 379-434, 948-960
- Beckman: Questions 84-95, 106-110

Week 7:

Date: **9/30/2025**

Topic (s): Hearsay – Part 1 (Definition)

- Hearsay – Part 2 (The Rule Against Hearsay)
- Hearsay – Part 3 (Hearsay Rules Only Apply to Statements Offered for the Truth)
- Hearsay – Part 4 (Defining a “Statement”)
- Hearsay – Part 5 (Overview of Hearsay “Exemptions” and Hearsay “Exceptions”)
- Attacking a Declarant’s Credibility

Assignments:

801, 802, 806

**Readings:**

- Merritt: 435-480, 713-720
- Beckman: Questions 11-20, 46-52

Week 8:

Date: **10/7/2025**

Topic (s): Hearsay within Hearsay

- Rule 801 Hearsay “Exemptions”:
  - o Prior Statements by Witnesses
  - o Statements Made by an Opposing Party
  - o Statements of Co-Conspirators

Assignments:

**FRE:** 801, 805

**Readings:**

- Merritt: 481-502, 659-701
- Beckman: Questions 53-55, 141-150, 168-170

Week 9:

Date: **10/14/2025**

Topic (s): Rule 803 Hearsay “Exceptions”:

- o Present Sense Impression
- o Excited Utterance
- o Then-Existing Mental, Emotional, or Physical Condition (“State of Mind”)
- o Medical Diagnosis or Treatment
- o Recorded Recollection
- o Business Record
- o Public Record
- o Other Rule 803 “Exceptions”

Assignments:

**FRE:** 803

**Readings:**

- Merritt: 503-561, 571-614
- Beckman: Questions 151-156, 166-167

**Week 10:**

Date: 10/21/2025

Topic (s): Rule 804 "Exceptions":

- o What constitutes "unavailability"?
- o Former Testimony
- o Dying Declaration
- o Statement Against Interest
- o The Forfeiture Exception
- Rule 807's "Residual" Exception

Assignments:

**FRE:** 804, 807

**Readings:**

- Merritt: 615-657, 703-711
- Beckman: Questions 157-165

**Week 11:**

Date: **10/28/2025**

Topic (s): Hearsay and the Sixth Amendment's Confrontation Clause

- o The Key Cases
- o What makes a statement "testimonial"?
- o Exceptions
- o Forfeiture by Wrongdoing
- Judicial Notice
- Role of the Jury

Assignments:

**FRE:** 201, 606

**Readings:**

- Merritt: 721-771, 961-972
- Beckman: Questions 76-80, 191-195, 197

**Week 12:**

Date: **11/11/2025**

Topic (s): Lay Opinions

- Expert Testimony
- o Frye Standard
- o Daubert Factors
- o Qualifying an Expert
- o The Basis of an Expert's Opinion
- o Limits on Expert and Opinion Testimony
- Court-Appointed Experts

Assignments:

**FRE:** 701-706

**Readings:**

- **Merritt:** 773-856
- **Beckman:** Questions 111-134

Week 13:

Date: **11//18/2025**

Topic (s): Privileges

- o Attorney-Client Privilege
- o Work Product Privilege
- o Spousal Privileges
- § Spousal Testimony
- § Marital Communications
- o Psychotherapist-Patient Privilege
- o Executive Privilege
- o Clergy-Communicant Privilege
- o Privilege Against Self-Incrimination
- § Use Immunity
- § Transactional Immunity
- **Authentication of Documentary Evidence**

Assignments:

**FRE:** 501-502, 901-903

**Readings:**

- **Merritt:** 857-928
- **Beckman:** Question 135-140, 171-180, 196, 198-200.



## [Student Resources](#)

[Antonin Scalia Law School Academic Regulations](#)

[GMU Common Course Policies Addendum](#)

[Mason Square Services](#)

[Mason Square Police](#)

Van Metre Hall, Room 110

Emergency - Dial 911

Escort Services - 703-993-8070

Dispatch – 703-993-2810

[Student Support and Advocacy Center \(SSAC\)](#)

Mason Square Sexual Assault Services:

Van Metre Hall, Room 222D

703-993-8186

Notice of Mandatory Reporting of Sexual Assault, Sexual Harassment, Interpersonal Violence, and Stalking:

As a faculty member, I am designated as a “Non-Confidential Employee,” and must report all disclosures of sexual assault, sexual harassment, interpersonal violence, and stalking to Mason’s Title IX Coordinator per University Policy 1202. If a student wishes to speak with someone confidentially, please contact one of Mason’s confidential resources, such as Student Support and Advocacy Center (SSAC) at 703 -380-1434 or Counseling and Psychological Services (CAPS) at 703 -993-2380. Students may also seek assistance or support measures from Mason’s Title IX Coordinator by calling 703 -993-8730, or emailing [titleix@gmu.edu](mailto:titleix@gmu.edu).

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[Student Conduct](#)

[University Life](#)