



FALL 2026 COURSE SYLLABUS

Course Number: Law 222-002

Course Title: Evidence

Credit Hours: 3 Credit hours

Grading Mode: Letter graded

Meeting Time(s): Tues/Thurs 6:05pm-7:30pm EST

Meeting Mode: In person

Exam Time(s): DEC 7, 6:00PM

Exam Mode: On campus final exam

Prerequisite(s): None

Corequisite(s): None

Instructor(s):

Professor John McNichols

Contact Information and Office Hours:

jmcnich2@gmu.edu

Office hours: By appointment

Reading(s) & Supplement(s):

Title: Evidence, Cases and Materials
Edition: 13th
Author: R. Park & R. Friedman
ISBN: 9781634603423

Title: Federal Rules of Evidence
Edition: 2025-26
Author: Daniel J. Capra
ISBN: 9798895458686

Course Overview:

In this course, we will cover the common-law and statutory rules of evidence applicable in civil and criminal trials in the United States, focusing on the Federal Rules of Evidence. We will study practical matters such as burdens of proof, objections, motions in limine, and preservation of the record, as well as more specific doctrinal issues such as relevance and character evidence, hearsay and its exceptions, witness competency, and expert testimony.

Course Learning Outcomes:

The course is intended to be the first step toward a career in trial practice. During the course, students will gain experience thinking on their feet and navigating the various problems that emerge as evidence is taken in real time. By the end of the semester, students will be able to explain the origins and rationale for the rules of evidence and recognize the real-world situations that trigger the application of particular concepts. Most importantly, students will be able to apply the rules to the type of fact patterns that commonly emerge in civil and criminal trials in the same manner that experienced trial lawyers do.

Grading Policies:

Final Exam/Paper 100%: student grades will be based on final exam

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:

You will be expected to prepare for and participate in each class. Evidence is all cold calling, all of the time. No exceptions.

Use of Technology & AI:

Open Use Policy: Students are encouraged to explore generative AI tools in this course, and are authorized to use AI for any purpose during this course except during any quiz or exam. Students must use AI tools responsibly, verify facts presented by AI, disclose when AI tools are used to create course work product, properly cite any AI tools utilized, and should be prepared to produce the transcript of prompts and responses upon request. Misuse will be treated as a violation of academic standards.

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

To be prepared for each class session, students should read the assigned pages from the Park & Friedman textbook as well as the assigned Rules from the Federal Rules of Evidence. Please note that assigned reading for a particular Rule includes the full Advisory Committee's Notes for that Rule.

Week 1:

Date: Tues 08/18/26

Topic: Relevance: Inference/Probative Value/Prejudice

Assignment(s): Park & Friedman 1-74; Fed. R. Evid. 102-106, 611, 614 & 615

Date: Thurs 08/20/26

Topic: Relevance: Inference/Probative Value/Prejudice

Assignment(s): Park & Friedman 75-108; Fed. R. Evid. 401-403

Week 2:

Date: Tues 08/25/26

Topic: Relevance: Character Evidence and the Propensity Rule

Assignment(s): Park & Friedman 109-123; Fed. R. Evid. 404(a), 405, 608

Date: Thurs 08/27/26

Topic: Relevance: Character Evidence and Bad Acts

Assignment(s): Park & Friedman 124-143; Fed. R. Evid. 404(b)

Week 3:

Date: Tues 09/01/26

Topic: Relevance: Habit, Rape Shield, and Similar Happenings

Assignment(s): Park & Friedman 144-178; Fed. R. Evid. 406, 412-415

Date: Thurs 09/03/26

Topic: Relevance: Subsequent Remedial Measures, Offers of Compromise, Pleas.

Assignment(s): Park & Friedman 178-192; Fed. R. Evid. 407-411

Week 4:

Date: Tues 09/08/26

Topic: Hearsay: Out-of-Court Statements Offered for the Truth of the Matter Asserted

Assignment(s): Park & Friedman 193-238; Fed. R. Evid. 801, 802, 805

Date: Thurs 09/10/26

Topic: Hearsay: Confrontation Clause

Assignment(s): Park & Friedman 238-248, 293-312

Week 5:

Date: Tues 09/15/26

Topic: Hearsay: Admissions, Declarations Against Interest

Assignment(s): Park & Friedman 249-280, 353-366; Fed. R. Evid. 801(d)(2), 804

Date: Thurs 09/17/26

Topic: Hearsay: Spontaneous Statements, State of Mind [Click or tap here to enter text.](#)

Assignment(s): Park & Friedman 280-292, 312-337; Fed. R. Evid. 803, 803(3)

Week 6:

Date: Tues 9/22/26

Topic: Hearsay: Former Testimony, Issue Preclusion, Prior Judgments,
Assignment(s): Park & Friedman 342-352, 463-466; Fed. R. Evid. 803(5),
803(22), 804(b)(1)

Date: Thurs 09/24/26

Topic: Hearsay: Prior Identification, Past Recollection Recorded, Medical
Diagnosis

Assignment(s): Park & Friedman 385-399, 337-342; Fed. R. Evid. 801(d)(1),
803(4)

Week 7:

Date: Tues 09/29/26

Topic: Hearsay: Business and Public Records [Click or tap here to enter text.](#)

Assignment(s): Park & Friedman 399-452; Fed. R. Evid. 803(6)-(8)

Date: Thurs 10/01/26

Topic: Hearsay: Dying Declarations, Forfeiture, Residual Exception

Assignment(s): Park & Friedman 367-385, 468-484; Fed. R. Evid. 804(b)(2), 804(b)(6), 807

Week 8:

Date: Tues 10/06/26

Topic: Witness Competency

Assignment(s): Park & Friedman 699-730; Fed. R. Evid. 601-606

Week 9:

Date: Tues 10/13/26

Topic: Impeachment & Rehabilitation: Prior Statements, Contradiction

Assignment(s): Park & Friedman 485-500, 541-554; Fed. R. Evid. 607, 612, 613, 801(d)(1)(B), 806

Date: Thurs 10/15/26

Topic: Impeachment & Rehabilitation: Character, Convictions, Bias

Assignment(s): Park & Friedman 501-541 (+ re-read Michelson at 113); Fed. R. Evid. 608-610, 806

Week 10

Date: Tues 10/20/26

Topic: Writings: Best Evidence Rule

Assignment(s): Park & Friedman 669-679; Fed. R. Evid. 1001-1008

Date: Thurs 10/22/26

Topic: Authentication, Judicial Notice

Assignment(s): Park & Friedman 679-697, 731-744; Fed. R. Evid. 201, 901-903

Week 11

Date: Tues 10/27/26

Topic: The Burden of Proof and Presumptions

Assignment(s): Park & Friedman 749-780; Fed. R. Evid. 301, 302

Date: Thurs 10/29/26

Topic: Privilege: Attorney/Client

Assignment(s): Park & Friedman 563-593, 635-640; Fed. R. Evid. 501, 502, plus unenacted rules

Week 12

Date: Thurs 11/05/26

Topic: Privilege: Medical/Marital/Clerical/Etc.

Assignment(s): Park & Friedman 593-635

Week 13:

Date: Tues 11/10/26

Topic: Privilege: Governmental

Assignment(s): Park & Friedman 641-668

Date: Thurs 11/12/26

Topic: Opinion Testimony: Fact & Expert

Assignment(s): Park & Friedman 781-839; Fed. R. Evid. 701, 703-06

Week 14:

Date: Mon 11/17/26

Topic: Opinion Testimony: Scientific, Demonstrative Evidence

Assignment(s): Fed. R. Evid. 702; Park & Friedman 840-940

Date: Wed 11/19/26

Topic: Review

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.

[Mason Square Clinic](#)

Van Metre Hall, Room B102

703-993-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[Student Conduct](#)

[University Life](#)