



SUMMER 2026 COURSE SYLLABUS

Course Number: 222-R01

Course Title: Evidence

Credit Hours: 3

Grading Mode: Letter grade

Meeting Day(s)/ Time(s): MON / WED 6:05pm-8:40pm

Meeting Mode: ONLINE

Exam Day(s)/ Time(s): AUGUST 10, 6:00pm

Final Exam Mode: IN-PERSON EXAM

Prerequisite(s): N/A

Corequisite(s): N/A

Instructor(s): IRWIN KRAMER

Contact Information: ikramer@gmu.edu

Office Hours: Taking questions after class; virtually any time by appointment via Zoom.

Course Overview

Examines legal rules governing the proof of disputed issues of fact in adversary proceedings. The emphasis is on rules determining the admissibility of various types of evidence, including testimonial evidence, hearsay rules and impeachment of witnesses, documentary evidence, and scientific and expert evidence. The course also considers judicial notice as a substitute for evidence, burdens of proof, and the effect of jury trials on rules of evidence.

Course Learning Outcomes

Unlike many fields of law, Evidence Law requires fast application without the luxury of prior research or the opportunity to consult a rule book in the heat of battle. Like a seasoned athlete, we must train every day to develop the "muscle memory" to employ these rules at the speed of trial. So, while this course may entail less traditional reading than courses centered on the meticulous analysis of judicial opinions, we will flex our evidentiary muscle in exercises which test our knowledge in a multitude of scenarios. With proper class preparation and active participation, you will leave this class:

- Appreciating the strategic chess match confronting all trial lawyers in a battle of wits over the admissibility of various types of evidence.
- Learning how to overcome problems of proof to carry your evidentiary burden at trial.
- Able to spot evidentiary issues in the time it takes to yell, "Objection!"

You may not plan to go into litigation. Neither do many clients. But to protect them effectively *outside* of court, you must do so in a manner that will ultimately hold up *inside* the courtroom. Unlike trial lawyers, who cannot fabricate favorable evidence to prove their clients' cases, lawyers representing them long before disputes arise play a vital role in documenting the evidence needed to win at trial. That's why lawyers at all stages must learn the Law of Evidence.

Reading(s) & Supplement(s):

1. Capra & Saltzburg, Principles of Evidence, 9th Edition (West Academic Publishing 2022); ISBN:9781636594606;
2. Kramer, Federal Rules of Evidence. **After downloading the rules supplement from the course Canvas page, you must print a copy for use during class.**

Problem-Oriented Assignments: Beyond reading assignments, we will apply the rules through several exercises in class and at home. This course emphasizes exercises in class and in applying the rules to a range of challenging situations. Having tried several cases via Zoom, I will use this platform to simulate the courtroom and expect you to unmute and object as necessary. Where CALI exercises or other problems are assigned as homework, you are expected to complete each prior to the class for which they are assigned to be marked present for that class.

Grading Policies

Participation & Preparation:

This is an interactive course. Your active and consistent participation is critical to the quality of our learning experience. Having eliminated the need to travel for class, I expect everyone to log

into every single class with cameras on by the time we start. While there may still be occasions where this is not possible, students with more than four unexcused absences (or more than six regardless of the reason), will not be permitted to complete the course. Just as trial lawyers must show up to court prepared, on time and ready to participate, I expect the same from you. If you do not believe you can meet this expectation, please do not register for this class.

Midterm:

Preparation of a 5-6 page outline of evidentiary issues raised in the prosecution of a high-profile criminal case. While graded on a pass/fail basis, excellent submissions will be factored into class participation adjustments as set forth below.

Final %: 100

3-hour closed book; multiple choice questions in format of the Multistate Bar Examination.

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.”

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.

Class Recording Policy: Classes will be recorded on Zoom and posted to Canvas. Any materials projected in class will likewise be available on the video. In return, students agree not to post this material on other platforms where the instructor’s embarrassing antics may go viral. The instructor reserves the right to use these videos in future instruction.

Canvas & CALI Sites: This course has a Canvas page with links to this syllabus, announcements, class assignments, and other important materials. You are responsible for checking Canvas regularly for course information. To complete the CALI exercises assigned, you must register a CALI account using the school’s case-sensitive authorization code of GEOGMastu79.

Course Schedule & Assignments

Course Outline: Using this outline, I have posted assignments on Canvas. When referring to portions of the textbook, this outline shows page numbers on which a specified topic *starts*. Unless instructed to stop at a given page or line, your reading assignment will include all pages corresponding with that topic. Where applicable, line numbers are placed in [brackets] following the page number. In addition to the textbook and any materials posted on Canvas, you must read the rules cited. Beyond this reading, we have a group discussion board for Evidence questions, which I consider to be required reading and which you should subscribe to at the start of the semester.

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CALI EXERCISE: [Best Evidence Rule Under the Federal Rules](#)

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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

703-991-2831

[Counseling and Psychological Services](#)

[Student Health Services](#)

[Student Disability Services](#)

[University Life](#)