I. **Outline of Course – Grade Breakdown**

A. **Written Assignments** - 10%

B. **Five (5)* Oral Presentations** - 40%
   “One on one” – *see* pp. 5-6 of Syllabus

C. **Big Trial** - 50%

D. **Extra Points** -
   - “Preps” (+ .5 – 1.5)
   - “Trial Notebook” (+ .5 – 2.5)
   - “Double Duty” (+ .5 – 3)

II. **First Class** -

   - **Orientation**
   - **Submit Written Assignment**
   - **Key Parts of Syllabus**
   - **Introduction to the Pretrial Conference**

III. **Second Class** -

   A. Pretrial Conference

   B. Opening Statement

   C. **Direct / Cross – (Prosecutor – Defense)**

   D. **Direct / Cross – (Defense – Prosecutor)**

   E. **Closing Arguments**

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IV. Basic Evidence & Law of the Case

A. "Theory" of the case!!

<table>
<thead>
<tr>
<th>1. Prosecutor</th>
<th>2. Defense</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Revenge</td>
<td>• SODDI / Self Defense</td>
</tr>
<tr>
<td>• Jealousy</td>
<td>• Alibi</td>
</tr>
<tr>
<td>• Greed</td>
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</tbody>
</table>

B. Key Rules of Evidence:

1. Fed. R. Evid. 401 & 402

2. Fed. R. Evid. 403 – General Balancing Test!

3. Fed. R. Evid. 404(a) - Propensity
   - Exceptions:
     - Fed. R. Evid. 404(a)(1) & (a)(2)
     - Fed. R. Evid. 404(a)(3)
     - [607, 608 & 609]
   - Fed. R. Evid. 104(a) / 104(b)
     - Fed. R. Evid. 404(b)
     - Fed. R. Evid. 406
     - Fed. R. Evid. 408
     - Fed. R. Evid. 410

4. Fed. R. Evid. 602

5. Fed. R. Evid. 615 - (The "Rule")

6. Fed. R. Evid. 701
B. **Key Rules of Evidence - Cont’d.**

7. Fed. R. Evid. 702 – 706
   - Daubert
   - Kumho
   - Joiner
   - Advisory Notes!

8. Fed. R. Evid. 801(a), (b) & (c) = Fed. R. Evid. 802

   **Unless**

   a. Fed. R. Evid. 801(d)(1)(A)
   Fed. R. Evid. 801(d)(1)(B)
   Fed. R. Evid. 801(d)(1)(C)

   b. Fed. R. Evid. 801(d)(2)(A)
   Fed. R. Evid. 801(d)(2)(B)
   Fed. R. Evid. 801(d)(2)(C)
   Fed. R. Evid. 801(d)(2)(D)
   Fed. R. Evid. 801(d)(2)(E)

   Except!!

   - Statements made to a lawyer in confidence
   - Statements made to a wife / husband – in confidence
   - Statements made to a wife / husband - while married
   - Statements made during negotiations
   - Statements which are “fruits” of a 4th Amendment, 5th Amendment, 6th Amendment or “due process” violation

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