

EVIDENCE (EDGL)

EDGL 0202. Evidence. (0 to 4 Credits)

A study of the rules governing the admissibility of evidence including problems of relevancy, remoteness, and undue prejudice; the hearsay rule and its exceptions; the offer of evidence and objection; examination of witnesses; competency and privilege of witnesses; expert opinion evidence; judicial notice; burden of proof; and presumptions..

Attributes: LDF, LIDR, LMCO.

EDGL 0299. Data and the Law. (3 Credits)

It is increasingly essential for lawyers to be able to understand empirical arguments and to interact with, and cross examine, statistical experts. The goal of this course is to provide students with a strong overview of how lawyers should think about and approach statistics. We will start by asking where, exactly, do the numbers we use come from. We will then examine how to interpret statistical results as well as how to identify (and address) common pitfalls and errors that can bedevil empirical work. We will then turn to how the law handles empirical evidence, such as the Daubert standard, and consider how the address the differences between the legal rules and current scientific practices such as relying on meta-analyses and systematic reviews. We will then conclude why looking at what the rise of "big data" and algorithmic models mean for the law, and how the law is starting to adapt to them. <p> This course is open to all, and does not presume any prior statistical or mathematical training, and the topics will be covered in an intuitive, not technical, manner. That said, by the end of semester students should be able to read a statistical report and understand exactly what is being said.

Attribute: LAWT.

EDGL 0371. Critical Evidence. (2 Credits)

EDGL 0412. Wrongful Convictions. (2 Credits)

This seminar will explore the concept of innocence in contemporary criminal law and policy and how it is used to drive reform. Since 1989 nearly 2,700 cases of wrongful conviction have been documented in the United States—amounting to over 24,000 years of lost freedom. While the pain and loss for each person and their family is irreparable, the cumulative evidence that the system entrusted to distinguish guilt from innocence is broken can not be ignored. Over the course of the semester, students will explore the definition of innocence; the factors that contribute to wrongful conviction, including racial bias, tunnel vision, mistaken eyewitness identifications, false confessions, the misuse of informants, flawed forensic evidence, prosecutorial and police misconduct, and inadequate defense; and some of the reforms that have been proposed to prevent future injustices. Throughout we critically examine the question of how the focus on innocence advances or distracts from the broader need for systemic criminal justice reform.
 Evaluation will be based on a paper. There will be no examinations.

Attributes: INLJ, LLM.

EDGL 0420. Scientific Evidence. (2 Credits)

This seminar will examine the types of scientific evidence that courts encounter, the difficulties courts face when they encounter it, and how courts do and should address those difficulties. Topics will include the admissibility of expert testimony; "forensic science" and criticisms of forensic methods; psychiatric evidence; toxic torts; intellectual property; statistics in the courts; the "epistemic competence" problem of non-scientists evaluating scientific evidence; and more. A couple of students will be responsible for leading class discussion each week, along with the instructor. Grades will be based on class participation, short reflection papers, and a 10-page final paper.

EDGL 0609. Depositions: Taking/Defending. (2 Credits)

Using discussion, lecture, and simulation, students will learn how, when, and why to conduct depositions in contrast to other discovery tools. The different types of questions will be discussed including question asking when seeking information, when seeking admissions, and when seeking to preserve testimony.
 Preparing client and nonclient to testify.
 Ethics: Witness Perjury, Harassment of witness, Harassment of attorney, Inappropriate subjects, Conferring with the witness.
 Dealing with the Adversary
 Role of objections, Instruction not to answer.

Attributes: LIDR, LLM.

EDGL 0623. Critical Evidence. (3 Credits)

Critical Evidence will explore core areas of evidence law such as relevance, admissions, expertise, confrontation, and hearsay, but with a difference. Traditionally, the study of evidence assumes a set of neutral rules and principles applied by rational, neutral arbiters. Tapping into Critical Evidence Law, a budding area of legal scholarship, this course will focus on what the traditional approach to evidence law misses: that the rules are neither trans-substantive or neutral in design or deployment. Rather, they are fundamentally about power, setting the boundaries for whose voices will be heard in court, which voices are deserving of belief, and what types of knowledge will be cognizable. To be sure, this course will cover the traditional approach to Evidence rules. But it will also focus on scholarship that contemplates the ways the system of proof is systematically failing certain groups, in particular people of color, women, people with disabilities, LGBTQ+ people, children, and others. The goal is that students will come away with a firm understanding of the Rules of Evidence, but also with a knowledge of how those rules entrench the status quo. The goal too is that students will think about what can be done, as practicing lawyers and future rule makers, to make evidentiary rules fairer for everyone.
 Students will have the option of taking a final exam or completing a significant research and writing project to fulfill the Upper-Class Writing Requirement (UCWR). Class participation will also factor into the final evaluation.