

**Paralegal  Course Outlines**

TITLE: Evidence  
(PARA 340)

- OBJECTIVES:
1. To learn the substance of the law of evidence in civil and criminal cases, with secondary emphasis on the procedural aspects of evidence.
  2. To understand the importance of evidentiary considerations in the paralegal's involvement in litigation.

CREDITS: 3 semester credit hours

INSTRUCTION: Lecture; small group work on hypothetical cases; guest speakers; demonstrations

EVALUATION: Tests; projects

OUTLINE:

	<u>Time</u>
<p>I. General Considerations</p> <ul style="list-style-type: none"> <li>A. Definitions</li> <li>B. How evidence is gathered and introduced</li> <li>C. Objections to evidence</li> <li>D. Offers of proof</li> </ul>	4 hours
<p>II. Relevance</p> <ul style="list-style-type: none"> <li>A. General considerations</li> <li>B. Logical relevance and legal relevance</li> <li>C. Special recurring relevance issues                             <ol style="list-style-type: none"> <li>1. Liability insurance</li> <li>2. Subsequent remedial measures and repairs</li> <li>3. Settlement offers and negotiations</li> <li>4. Offers to plead guilty and withdrawn guilty pleas</li> <li>5. Offer to pay medical expenses</li> <li>6. Similar past occurrences</li> <li>7. Habit or routine</li> <li>8. Character</li> </ol> </li> </ul>	8 hours
<p>III. Judicial Notice</p> <ul style="list-style-type: none"> <li>A. Defined</li> </ul>	3 hours

- B. Facts which are appropriate for judicial notice
    - 1. Notorious facts
    - 2. Manifest facts
    - 3. Scientific principles
  - C. Judicial notice of the law
  - D. Procedural matters
- IV. Real and documentary evidence 4 hours
- A. Definitions
  - B. Admissibility
    - 1. Authentication
    - 2. Chain of custody
    - 3. Substantially same condition
    - 4. Relevant and competent
  - C. Special considerations for documentary evidence
  - D. Best Evidence Rule
- V. Testimonial Evidence 10 hours
- A. Competency of witnesses
    - 1. Basic qualifications
    - 2. Special issues
      - a. Infancy
      - b. Insanity
      - c. Conviction of crime
      - d. Interest or bias
      - e. Judge or lawyer as witness
      - f. Juror as witness
  - B. Form of examination of witnesses
    - 1. Leading questions
    - 2. Misleading questions
    - 3. Argumentative questions
    - 4. Use of memoranda by witness
      - a. Present recollection revived
      - b. Past recollection recorded
  - C. Opinion testimony
    - 1. Lay opinion
    - 2. Expert opinion
  - D. Cross-examination
  - E. Impeachment
    - 1. Prior inconsistent statements
    - 2. Bias, interest, hostility
    - 3. Conviction of a crime
    - 4. Specific acts of misconduct
    - 5. Opinion or reputation for truth
    - 6. Sensory deficiencies
  - F. Rehabilitation

- G. Testimonial privileges
  - H. Exclusion and sequestration of witnesses
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- VI. Hearsay 12 hours
    - A. The Rule
      - 1. Reasons for the rule
      - 2. Some axioms under the rule
      - 3. Elements of the rule
    - B. Non-hearsay
      - 1. Offered for some purpose other than to prove the truth of the statement
      - 2. Admissions by party-opponent
      - 3. Legally operative facts
      - 4. State of mind
      - 5. Effect on hearer
      - 6. Rule 801 (d)
    - C. Exceptions to hearsay
      - 1. Rule 804 – declarant’s testimony unobtainable
      - 2. Rule 803 – immaterial if declarant’s testimony unobtainable
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- VII. Burden of proof and presumptions 4 hours
    - A. Burden of production
    - B. Burden of persuasion
    - C. Presumptions
      - 1. Some common presumptions
      - 2. Conclusive presumptions
      - 3. Rebuttable presumptions