



**I. GENERAL COURSE INFORMATION**

**Subject and Number:** Law 15  
**Descriptive Title:** Civil and Criminal Evidence  
**Course Disciplines:** Law  
**Division:** Business

**Catalog Description:**

This course examines the rules of civil and criminal evidence. It emphasizes how to develop and utilize evidence and how to summarize documents and other evidence in an ordered and systematic manner so that the evidence will be readily available for use by the attorney in preparation for and use in trial.

*Note: This course is offered in the Fall semester only.*

**Conditions of Enrollment:**

**Prerequisite:** Law 11 with a minimum grade of C

**Recommended Preparation:** Law 16

<b>Course Length:</b>	<input checked="" type="checkbox"/> Full Term	<b>Other (Specify number of weeks):</b>
<b>Hours Lecture:</b>	3.00 hours per week	TBA
<b>Hours Laboratory:</b>	0 hours per week	TBA
<b>Course Units:</b>	3.00	

**Grading Method:** Letter  
**Credit Status:** Associate Degree Credit

**Transfer CSU:**  Effective Date: Prior to July 1992  
**Transfer UC:** No

**General Education:**

**El Camino College:**

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**CSU GE:**

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**IGETC:**

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## II. OUTCOMES AND OBJECTIVES

### A. COURSE STUDENT LEARNING OUTCOMES (The course student learning outcomes are listed below, along with a representative assessment method for each. Student learning outcomes are not subject to review, revision or approval by the College Curriculum Committee)

#### **SLO #1 Legal Memoranda and Forms**

Draft pleadings/memoranda including court forms in a manner sufficient for submission to the applicable court.

#### **SLO #2 Providing Direct Assistance to Attorneys**

Apply knowledge of the rules of civil and criminal evidence in order to provide direct assistance to attorneys including research, client interviews, problem resolution and the examination of ethics in the legal workplace.

#### **SLO #3 Legal Comprehension**

Understand and apply theories and principles of civil and criminal evidence to interpret, propound and respond to legal documents.

### B. Course Student Learning Objectives (The major learning objective for students enrolled in this course are listed below, along with a representative assessment method for each)

1. Chart the substantive and procedural rules relating to the use of evidence.  
Written homework
2. Analyze evidence rules from the standpoint of a paralegal.  
Written homework
3. Cite relevant supporting evidentiary statutes.  
Written homework
4. Construct criteria for a litigation team preparing for trial.  
Written homework
5. Analyze and summarize depositions and statements.  
Written homework
6. Evaluate basic discovery techniques and forms.  
Written homework
7. Research evidence law.  
Written homework
8. Perform online computer research of evidence law and apply it to an evidence problem.  
Written homework
9. Analyze procedural aspects of evidence law, including how to employ a Motion in Limine to control the introduction of evidence.  
Written homework
10. Evaluate hearsay evidence and assess exceptions to the hearsay rule.  
Objective Exams
11. Assess and identify privileged evidence and evaluate the rules relating thereto.  
Objective Exams
12. Organize witness statements and scientific reports, and summarize them for use at trial.  
Written homework

**III. OUTLINE OF SUBJECT MATTER (Topics are detailed enough to enable a qualified instructor to determine the major areas that should be covered as well as ensure consistency from instructor to instructor and semester to semester.)**

<b>Lecture or Lab</b>	<b>Approximate Hours</b>	<b>Topic Number</b>	<b>Major Topic</b>
Lecture	3	I	Introduction to Rules of Evidence A. Common Law History B. Development of Modern Evidence Statutes C. Organization of the Federal Rules of Evidence and the California Evidence Code D. Importance of Evidence for the Paralegal
Lecture	3	II	Types and Forms of Evidence A. Direct and Circumstantial B. Tangible and Testimonial C. Developing Evidence in a case
Lecture	2	III	Procedure for Admitting and Excluding Evidence A. Appellate Standards and Trial Objections B. Role of the Attorneys and Judge C. Role of the Paralegal in Preparation for Trial
Lecture	1	IV	Introduction to Discovery Rules A. Required disclosures B. Brady Evidence C. Information gathering techniques and tools
Lecture	6	V	Relevancy A. Compare with Materiality B. Evidence Excluded because of Public Policy C. Application of Relevancy Rules to the Paralegal D. Character Evidence E. Judge's Role and Discretion in Relevancy Questions F. The Paralegal and Finding Character Evidence
Lecture	9	VI	The Hearsay Rule A. Evidence that is Not Offered to Prove the Truth of the Matter Asserted B. The Importance of Knowing the Hearsay Rule for the Paralegal C. Hearsay Exceptions 1. Reported Testimony 2. Declaration Against Interest 3. Dying Declaration 4. Excited Utterance 5. Present Sense Impressions 6. Declarations of Physical and Mental Condition 7. Past Recollection Recorded

			8. Business Record 9. Official Record 10. Judgment 11. Family History 12. Ancient Document 13. Reputation 14. Learned Treatises D. Interviewing and the Hearsay Rule E. Concept of Unavailability of Witness as Condition Precedent to Allowing the Hearsay Witness to Testify
Lecture	6	VII	Privilege A. Common Law Modern Privilege B. General Rules Relating to Privilege--Overheard Conversations, the Concept of "Holder" of the Privilege and Waiver, Constitutional Limits C. Specific privileges: Attorney-Client; Doctor-Patient, Clergy-Penitent; Husband-Wife; Psychotherapist and Sexual Assault Counselor; Official Information and Informer; News Reporter D. Knowing what Privileged Information a Paralegal Can Ask About while Taking a Witness Statement
Lecture	3	VIII	Competency to Testify A. Common Law and Modern Rules of Competency B. Limits on Disabled Witnesses C. Interviewing the Disabled Witness D. The Erie Doctrine and Evidence Rules in Federal Courts
Lecture	6	IX	Opinion Evidence and Expert Witnesses A. Opinions by Laymen B. Source of Expert Data C. Qualifying the Expert Witness D. Limits of Expertise (Opinion on the Ultimate Question for the Jury) E. Cross-Examination of the Expert Witness F. Interviewing the Opinion Witness G. Investigating the Background of an Expert Witness
Lecture	3	X	Examination, Cross-Examination and Impeachment A. Exclusion of witnesses B. Direct and Cross-Examination C. Right to Impeach D. Method and Effect of Impeachment E. The Paralegal and Developing Evidence for Impeachment
Lecture	3	XI	Real, Demonstrative and Scientific Evidence A. Authentication B. DNA and Scientific Evidence

			C. Fungible Evidence D. Real vs. Demonstrative (Model) Evidence
Lecture	3	XII	The Paralegal and Litigation Support A. Obtaining Demonstrative Evidence B. Obtaining the Required Authentication C. Techniques for effective presentation of evidence D. Using technology in evidence presentation
Lecture	3	XIII	Judicial Notice and Presumptions  A. Conclusive, Affecting the Burden of Evidence, and Affecting the Burden of Producing Evidence B. The Paralegal and Knowing when Judicial Notice can be Used C. The Paralegal and Knowing when a Presumption Applies
Lecture	3	XIV	Ethical Considerations of Evidence A. Inadvertent disclosure B. Disclosure requirements of unfavorable evidence C. Perjury
Total Lecture Hours		54	
Total Laboratory Hours		0	
Total Hours		54	

#### IV. PRIMARY METHOD OF EVALUATION AND SAMPLE ASSIGNMENTS

##### A. PRIMARY METHOD OF EVALUATION:

Substantial writing assignments

##### B. TYPICAL ASSIGNMENT USING PRIMARY METHOD OF EVALUATION:

Your office's client is a licensed school psychologist. The psychologist comes to your attorneys (you sit in on the interview) and relates the following incident: Yesterday a teenage student at the psychologist's school, named Johnny, asked to see the psychologist. In the private interview between Johnny and the psychologist the boy admitted that he was having strong murderous thoughts concerning his classmates and teachers, and that he was afraid that he might do something terrible. Johnny further said that he knows "a lot" about guns, and has a few at home. Johnny isn't saying what he will do, or what he won't do. He is asking the psychologist for help and advice in dealing with his feelings. The psychologist is reasonably concerned, she tells you, that Johnny may commit some terrible crime against the school, its students, and its staff. The psychologist wants legal advice on her rights and responsibilities in this situation, and, ultimately, whether she should reveal Johnny's statements to the police. Your attorney-supervisor asks you to immediately research the legal and practical aspects of this problem and make an immediate oral report to him. Once you have done that he wants you to prepare a brief legal memorandum concerning the law relating to the "psychotherapist-patient" privilege under the California Evidence Code, and further asks you to come to a conclusion on these issues: 1) does the privilege apply to the psychologist's situation regarding Johnny's statements to her? and 2) should the psychologist reveal Johnny's statements to the police? The supervisor asks you to keep the memorandum to within 750 words (approximately three double-spaced, typed, pages). Naturally, because time is of the essence, the supervisor wants the memo on his desk very shortly after your oral report, before the client even leaves the office.

**C. COLLEGE-LEVEL CRITICAL THINKING ASSIGNMENTS:**

1. Read, outline (IRAC), analyze and discuss the supplemental case as given to you by your instructor. U.S. v. Orozco-Santillan, 903 F.2d 1262 (9th Cir. 1990) Question: How does one authenticate that a telephone call was in fact made by a specific person? Answer this in a four-page research case study.
2. Read, outline (IRAC), analyze and discuss the supplemental case as given to you by your instructor. U.S. v. Kelly, 14 F3d 1169 (7th Cir. 1994) Question: Absent evidence of actual tampering, what does the court conclude is the effect of a possible break in the chain of custody? Answer in a four-page research case study.

**D. OTHER TYPICAL ASSESSMENT AND EVALUATION METHODS:**

Other exams

Written homework

Homework Problems

Term or other papers

Multiple Choice

True/False

Other (specify):

1. Draft legal documents and pleadings
2. Research and Legal Analysis

**V. INSTRUCTIONAL METHODS**

Discussion

Lecture

Multimedia presentations

Other (please specify)

Reading and analysis of case law and statutes.

Observations of courtroom trial and mock depositions.

Term projects.

**Note: In compliance with Board Policies 1600 and 3410, Title 5 California Code of Regulations, the Rehabilitation Act of 1973, and Sections 504 and 508 of the Americans with Disabilities Act, instruction delivery shall provide access, full inclusion, and effective communication for students with disabilities.**

**VI. WORK OUTSIDE OF CLASS**

Study

Answer questions

Required reading

Problem solving activities

Written work

**Estimated Independent Study Hours per Week: 6**

## VII. TEXTS AND MATERIALS

### A. UP-TO-DATE REPRESENTATIVE TEXTBOOKS

Marlow and Cummins. Evidence for Paralegals. 5th ed. Aspen Publishers, 2016.

Justification: This is an industry standard text and this is still the most current version.

### B. ALTERNATIVE TEXTBOOKS

### C. REQUIRED SUPPLEMENTARY READINGS

### D. OTHER REQUIRED MATERIALS

## VIII. CONDITIONS OF ENROLLMENT

### A. Requisites (Course and Non-Course Prerequisites and Corequisites)

Requisites	Category and Justification
Course Prerequisite Law-11	Sequential

### B. Requisite Skills

Requisite Skills
Draft pleadings/memoranda including court forms in a manner sufficient for submission to the applicable court.
Apply knowledge of the law in order to provide direct assistance to attorneys including legal research.
Understand and apply theories and principles of law to interpret legal documents, perform legal research and communicate those results.

### C. Recommended Preparations (Course and Non-Course)

Recommended Preparation	Category and Justification
Course Recommended Preparation Law-16	In the legal industry, evidence is very closely related to civil procedure. Having a working knowledge of current California civil procedure requirements will be helpful, but not absolutely required, in understanding current California Evidence Rules

### D. Recommended Skills

Recommended Skills
Draft pleadings/memoranda including court forms in a manner sufficient for submission to the applicable court.
Understand and apply theories and principles of civil procedure to interpret legal documents.

**E. Enrollment Limitations**

<b>Enrollment Limitations and Category</b>	<b>Enrollment Limitations Impact</b>
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**Course created by Dagmar Halamka on 10/07/1975.**

**BOARD APPROVAL DATE:**

**LAST BOARD APPROVAL DATE: 05/18/2020**

**Last Reviewed and/or Revised by: Nicholas McGrue  
20141**

**Date: 3/5/2020**