

SOUTHERN ILLINOIS UNIVERSITY SIMMONS LAW SCHOOL
Law 536- 4 Section 2: Evidence
Course Memorandum
Spring 2026

Professor Caitlín Gossett
MWF, 11:00-12:10
Room 202

Course Overview

The purpose of this course is to teach you evidence within the context of the trial process. Understanding evidence is the first step in mastering the courtroom. We will learn background and theory behind each rule and apply the rule in a trial setting.

Learning Objectives

At the end of this course, students will be able to:

- Understand the common law and statutory bases for the Federal Rules of Evidence and use that knowledge to frame arguments for the application, interpretation, extension, and modification of the Rules.
- Correctly identify evidentiary issues, in the context both of problems and of courtroom trial and appellate exercises.
- Engage and consider non-dominant perspectives on the law of evidence with respect and empathy.
- Develop ability to critique the adversarial system and Federal Rules of Evidence for their ability to provide equitable access to justice.
- Identify and critically reflect upon the various aspects of their courtroom persona and identity.
- Demonstrate competence in solving evidentiary issues in the context both of problems and of courtroom trial and appellate exercises.

Class Meetings

This class meets Monday, Wednesday, and Friday from 11:00 AM-12:10 PM, starting Monday, January 12, 2026 and ending Friday, April 24, 2026. Each class session is 70 minutes, a total of 210 minutes each week. Because of the extra 10 minutes per week, we will not need to make up the class missed from the Martin Luther King, Jr., holiday.

Class meetings this semester will be held live in the classroom. Class meetings will be recorded and made available to students with genuine emergencies, such as documented illnesses, quarantines, and the like.

Course Materials

1. Required: EVIDENCE AND THE ADVOCATE: A CONTEXTUAL APPROACH TO LEARNING EVIDENCE (2d Edition, Carolina Academic Press, 2018). Do not use the first edition. **Get a used copy of the book if you can find one.**

The text is also available electronically on RedShelf and can be purchased or rented at this link: <https://redshelf.com/book/916730/evidence-and-the-advocate-916730-9781531008055-christopher-behan-and-antony-b-kolenc>. Many students have used the electronic version of the text and found it worked well for them.

2. Optional supplementary materials:
 - a. Goode & Wellborn's COURTROOM EVIDENCE HANDBOOK STUDENT EDITION. You can use any edition from the last seven years.
 - b. Advisory Committee Notes for the Federal Rules of Evidence. Notes for each rule are available online for free on Westlaw and Lexis and at many websites, including <https://www.law.cornell.edu/rules/fre>.

Contact Information & Office Hours

- a. Office: Room 254.
- b. E-mail: Caitlin.gossett@siu.edu.
- c. *Office Hours.* T-Th from 10:30-12:15.. I have an open-door policy: you are welcome to drop by anytime I am in the office and my door is open.
- d. *Electronic Communication.* Check your e-mail regularly. The School of Law requires students to use their assigned siu.edu email address for law school-related business.
- e. *Problems and Issues.* If you experience a problem or identify an issue in the class, please come see me so we can discuss it and resolve it.

Workload, Class Structure and Rhythm

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a “credit hour” is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” This is a 4-credit hour class. The amount of assigned reading and out of class preparation should take you about 4 hours for each class session and 8 hours for the week. All told, applying the

ABA standard to the number of credits offered for this class, **you should plan on spending a total of 12 hours per week (4 in class and 8 preparing for class) on course-related work.**

We will cover the entire book. I expect you to be prepared for class, turn in all assigned materials, and keep up with class.

I. Pre-Class Preparation

Reading Assignment. There is a reading assignment for each class session. You are expected to read the assignment, understand the cases, and work out the problems on your own prior to class.

Problems. Every chapter contains several problems. Prior to class, you are expected to work through the problems and prepare written solutions to them. On several random occasions throughout the semester, I will require you to turn your problems by announcing at the beginning of class that you need to turn the in for that day. Upon receiving the announcement, you must turn them in immediately; no late submissions will be accepted. All problems will be run through the university plagiarism and AI-content detector. The problems will be graded and count as part of your final grade. I will drop your lowest problem set grade from the final grade calculation.

II. In-Class Activities

You must be prepared to participate in any activities in class.

III. Trial Exercises

These exercises require advance preparation, including written materials and in-class performances. All assignments will have a specified date and time by which they will be due. To receive credit for an assignment, students are expected to complete and submit it by the specified date and time that it is due. If a student is unable to submit an assignment by the specified date and time, the student may submit a written Motion for Extension of Time to request permission to submit the assignment post-deadline. The motion must be submitted to me within 24 hours of the specified date and time the assignment was due. Upon review of the motion, I reserve the right to grant or deny the request. In consideration of the students who submitted the assignment in a timely manner, extensions will only be granted for unavoidable and extraordinary circumstances. Accordingly, students should plan on submitting all assignments in a timely manner, as extensions of time will only be considered for extraordinary and unavoidable circumstances.

Attendance, Preparation and Class Participation.

You may miss no more than six (6) class sessions during the semester without facing a penalty under the School of Law rules. If you exceed the number of absences (including absences assessed for inadequate preparation), you are subject to penalties in School of Law Rule 5(g). These include involuntary withdrawal from the course, a grade reduction, or failing the class. You may not sign the attendance sheet for anyone except yourself or ask someone else to sign it for you. Doing so constitutes an honor code violation and will be reported in accordance with the law school's rules. A violation of the Honor Code, which can lead to serious penalties, including expulsion. An Honor Code investigation must also be reported to the Bar Examiners, even if you are cleared of any violation.

Students are responsible for keeping track of their absences and ensuring they do not exceed the four permitted absences. Students should **not** rely on the instructor to advise them when they have reached their third or fourth absence.

I will take roll during class, if you are not there, you will be assessed as absent.

I cold-call in random order.

Policy on Recording Class

You are not authorized to make your own audio or video recordings of my classes. The class will be recorded by the School of Law IT department. Generally, I do not make recordings available unless necessary to accommodate a disability or unless you request and receive my approval.

Grading and Evaluation.

I will evaluate and assess your work in the following ways:

- No-Notice Problem Turn-In (5% of final grade).

On at least ten occasions throughout the semester, I will announce at the beginning of class that you must turn in your written problems for the day. Any plagiarized or AI-generated problems will receive a 0 and will further be addressed under the Honor Code. Rubric provided in class.

- Group Assignments (5% of final grade)

When the syllabus indicates that your group must turn in preparation materials for the day on D2L, these will be graded on a 5-point scale. Rubric provided in class.

- Class Participation (5% of final grade).

I cold-call on students. Rubric provided in class.

- a. Trial Exercises (15% of final grade)

Each exercise requires significant out-of-class preparation, including the submission of written materials. The rubric for evaluating these application materials will be posted to D2L. The written component of the application exercises counts as your WAC requirement for this course.

- b. Final examination (70%). The final examination consists of a combination of multiple-choice questions, short answers, and essays.

Other Important Information on Support and Resources. Please see the Law School and Provost Syllabus attachments, available on the D2L page in the Syllabus folder.

Reading & Assignment Schedule.

The reading schedule for the semester is below. The schedule is subject to change. This does not change your obligation to be prepared for the material that is listed for a class and day.

Week	Class	Date	Topic	Assignments
Unit One: Introduction to Adversary Trial System				
1	1	13 Jan	Chapter 1: Adversary Trial Intro	EA, pages 3-29 Problems 1-1 to 1-4
	2	15 Jan	Chapter 2: Basic Evidentiary Procedures	EA, 33-61 Problems 2-1 to 2-6
	3	17 Jan	Synthesis	Chapter One In-Class Activity, page 30 • Option One Chapter Two In-Class Activity, page 62
2	4	20 Jan	MLK Jr. Holiday. No class this day. Makeup already programmed into class schedule.	
	5	22 Jan	Chapter 3: Establishing Facts at Trial	EA, 63-84 Problems 3-1 to 3-3
	6	24 Jan	Synthesis	Classroom Court

