

Evidence

Spring 2026 | Brem

About Me. A first-generation college graduate and Big Law refugee, I joined the University of Houston Law Center faculty in 2000. I research and write about the intersection of legal rhetoric, evidence, procedure, and substantive law, as well as introductory U.S. legal concepts for novice students and foreign-trained attorneys - especially those trained in the civil law tradition. I teach LSS, Evidence, Federal Pretrial Drafting, and U.S. Legal Skills. Prior to teaching, I specialized in oil and gas and general commercial litigation, and catastrophic personal injury defense.

Contact me in person (Room 341M), via email (kbrem@central.uh.edu), or on Teams (713.743.5945). I will hold office hours weekly on Tuesdays, 3:00 – 4:00 p.m., and Thursdays, 1 – 2:30 p.m., either in person or virtually – your preference – and by appointment. If you prefer to meet virtually, let me know via email and I will send a Teams link for your use.

Overview and Course Objectives. Rules of Evidence govern the use of testimony, documents, and physical objects as proof in legal proceedings. These rules determine what can be introduced in court and the extent to which what is introduced can be used to prove a litigant's case. At trial, your objective as the lawyer is to either get evidence in or keep it out. Understanding these rules and the policies that underlie them will enable you to do so. By the end of this course, students will be able to:

1. Demonstrate knowledge of the Federal Rules of Evidence and key interpretive case law, including the policies underlying major evidentiary doctrines. (*UHLC Learning Outcome: Knowledge of the Law*)
2. Analyze evidentiary issues and apply relevant rules to determine the admissibility, weight, and proper use of evidence in civil and criminal trials. (*UHLC Learning Outcome: Legal Analysis and Reasoning*)
3. Apply evidentiary principles – including those governing relevance, hearsay, character, impeachment, privilege, and expert testimony – to concrete fact patterns. (*UHLC Learning Objectives: Knowledge of the Law; Legal Analysis and Reasoning*)
4. Develop foundational litigation skills by practicing the language and timing of evidentiary objections, offers of proof, and motions in limine. (*UHLC Learning Objectives: Professional Skills; Communication*)
5. Reflect on the role of evidence rules in promoting fairness, reliability, and justice within the adversary system, and consider how professional judgment shapes evidentiary decision-making. (*UHLC Learning Objectives: Professional Identity; Professional Skills*)

Our classroom will be managed by Canvas. Once enrolled, you will be able to find our class page using the Canvas Dashboard through Access UH. The course will be taught in person, but include a blend of asynchronous learning techniques to meet ABA Standard 310's requirements: 2.5 hours of class time each week; 6 hours of class preparation each week.

Course Materials. Beckman, et al.'s *Evidence: A Contemporary Approach* (ISBN 9781642427646O) is the required text for this course. If you purchase your casebook directly from West Academic, be sure to use discount code WAHOUSTON for a 15% discount.

You must also purchase access to course-specific flashcards on [Spaced Repetition - Award Winning Law School Study Software](#). I will provide additional information about this resource before class begins. Expect the cost to be something less than \$30.

Assessment. Your grade will be calculated based on your performance on an anonymously-graded mid-term exam and final exam. If your mid-term exam grade raises your average, it will count towards your final grade; if it does not, then your final grade will be based solely on your completion of the final exam. The final exam will be a multiple-choice exam. I will provide a copy of the Federal Rules of Evidence for you to use on these exams.

Date	Assessment	% of Final Grade
March 25	Mid-Term Exam	30%
TBD	Cumulative Final Exam	70%

Honor Code. The UHLC Honor Code applies to this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to this course. Your continuing enrollment in this course is deemed to be a pledge by you to comply with the Honor Code and to comply with the instructions in the course syllabus. For more information on the UHLC Honor Code, please consult the code itself, [available at this link](#).

Use of AI. You may use AI-generated work product in this class for language translation, class preparation, and study supplements to aid with your general understanding of course content. However, be mindful that many AI-generated evidence hypotheticals fail to combine rules of evidence as they would be combined in real-world application, thereby affecting the outcome of the hypothetical. When in doubt, check any answer with me or with your tutor. If you choose to use AI for any other purpose, check with me first for permission.

Attendance | Class Administration. This class will meet in person each Tuesday and Thursday from 10:30 a.m. – 12:00 p.m. To comply with the UHLC attendance policy, no student may miss more than five classes. Students should sign in before the end of each class using the attendance link posted on Canvas in the Student Resources module. If you forget to sign in, please send an email immediately to Nazanin Salehi, nsalehi2@Central.uh.edu, who will update the attendance roll. Any student who fails to adhere to the course attendance policy will be referred to the Office of Student Affairs.

Be prepared to discuss the lecture material assigned for each class. I will call on you at random. If you will not be prepared for class, please email me before class to let me know.

The Fine Print. Academic Adjustments | Auxiliary Aids. The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment, or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting [this website](#), calling (713) 743-5400, or emailing jdccenter@Central.uh.edu.

We ask also that you contact Samantha Ary, Academic Records Coordinator at the Law Center. Ms. Ary's office is in the Office of Student Services suite. She can be reached by [email](#) or at (713) 743-7466. Requests for accommodation that involve graded assignments should

be directed to Ms. Ary as soon as possible to allow adequate time to process the request. She can assist you as you navigate the Dart Center process.

Class Recordings. I will record classes and post links to these recordings on the class web course as soon as they are available. You may use these recordings for your own studying and notetaking purposes, but please do not share them with anyone. University policy mandates that an instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action

Food Insecurity. The Cougar Cupboard is available to all enrolled students who may need access to resources to support academic and personal success. Through our Cougar Cupboard, all students can get up to 30 pounds of FREE groceries a week. For more information, click [here](#).

Mental Health and Wellness Resources. The University of Houston has a number of resources to support students' mental health and overall wellness. The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8:00 a.m. – 4:30 p.m., to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

The Center for Student Advocacy and Community (CSAC) is where you can go if you need help but don't know where to start. CSAC is a "home away from home" and serves as a resource hub to help you get the resources needed to support academic and personal success. CSAC runs the Cougar Cupboard. Additionally, CSAC provides 1:1 appointments to get you connected to on- and off-campus resources related to essential needs, safety and advocacy, and more.

The Cougar Closet is a registered student organization advised by CSAC and offers free clothes to students so that all Coogs can feel good in their fit.

CSAC also hosts a series of cultural and community-based events that foster social connection and help the Cougar community come closer to gether. Visit the [CSAC homepage](#) or follow CSAC on Instagram: @uh_CSAC and @uhcupbrd.

The Women and Gender Resource Center is also available to all students. The mission of the WGRC is to advance the University of Houston and promote the success of all students, faculty, and staff through educating, empowering, and supporting the UH community. The WGRC suite is open to you. Stop by the office for a study space, to take a break, grab a snack, or check out one of the WGRC programs or resources. Stop by the Student Center South room B12 (basement near Starbucks and down the hall from Creation Station) from 9:00 a.m. to 5:00 p.m., Monday through Friday.

Need Support Now? - If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

The Texas Lawyers' Assistance Program (TLAP) also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at any time at 1-800-343-8527. TLAP's website includes a page with links to resources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students> [Links to an external site.](#) Check it out.

Title IX/Sexual Misconduct. Per the UHS Sexual Misconduct Policy, I am a "responsible employee" for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which I become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources here on [the Title IX website](#).

Syllabus.

From time to time, reading assignments may change to meet class needs. I will announce all changes orally in class and in writing via Canvas. Topics marked with an asterisk symbol (*) require that, on the bar exam, the examinee rely solely on recalled knowledge and an understanding of the topic; they will be tested without provision of legal resources. Topics without an asterisk symbol may be tested with or without provision of legal resources.

Part 1 | Witnesses, Sources of Evidence, Relevance, Impeachment

1 Week of Jan 20	Read Chapter 1, pp. 1-23; 33-35; Chapter 2, pp. 27-48; 55-60 Introduction to the Study of Evidence • Origin and Purpose of the Rules (FRE 101,102, 611, 614, 1101) • Burden of Proof (FRE 301-302) Sources of Evidence: Witnesses • Competency (FRE 601) • Personal Knowledge (FRE 602) • Oath or Affirmation (FRE 603-604) • Judge/Juror Competency (FRE 605-606)
2 Week of Jan 27	Read Chapter 2, pp. 60-77; Chapter 3, pp. 79-130; Chapter 14, pp. 597-600; 617 Sources of Evidence: Witnesses • Examination of Witnesses (FRE 611, 614-615) • Refreshing a Witness's Recollection (FRE 612) Sources of Evidence: Physical Evidence • *Building a Foundation • *Authentication of Documents and Other Physical Evidence (FRE 901) • *Authentication of Demonstrative Evidence (FRE 901) • Self-Authenticating Exhibits (FRE 902) • *The "Best Evidence" Rule (FRE 1001-1008) • The Rule of Completeness (FRE 106) Judicial Notice (FRE 201)
3 Week of Feb 2	Read Chapter 4, pp. 131-162; Chapter 5, pp. 163-192 *Relevance and Unfair Prejudice • Test for Relevant Evidence (FRE 401-402) • Discretionary Exclusion of Relevant Evidence (FRE 403) Relevance: Limits Based on Public Policy • Subsequent Remedial Measures (FRE 407) • Settlement Matters in a Civil Case (FRE 408) • Offers to Pay Medical (and Similar) Expenses (FRE 409) • Plea Bargaining Agreements in a Criminal Case (FRE 410) • Liability Insurance (FRE 411)
4 Week of Feb 9	Read Chapter 6, pp. 193-213; 229-236 Relevance: Character Evidence • General Rule Excluding Character Evidence (FRE 404(a)) • When Admissible, Methods of Proving Character (FRE 405(a)) • The "Mercy Rule" (FRE 404(a)(2)(A)-(C)) • *Other Crimes, Wrongs, or Acts (FRE 404(b)) • Character Evidence Offered to Prove an Element of a Charge, Claim, or Defense (FRE 405(b))
5 Week of Feb 16	Read Chapter 6, pp. 236-261; Chapter 11, pp. 437-454 Relevance: Character Evidence • Sex-Offense Cases (FRE 412-415) • Habit and Routine Practice (FRE 406) Witnesses: Credibility • Bolstering a Witness's Credibility

	- Impeaching a Witness's Credibility - Impeaching a Party's Own Witness (FRE 607) - Impeaching a Witness's Character for Honesty (FRE 608(a) & 608(b))
6 Week of Feb 23	Read Chapter 11, pp. 454-477 - Impeaching a Witness by Use of the Witness's Prior Convictions (FRE 609) - Impeaching a Witness with a Prior Inconsistent Statement (FRE 613) - Impeaching a Witness by Showing Bias - The Rules Prohibit Impeaching a Witness Based on Religious Beliefs (FRE 610)
7 Week of Mar 2	Read Chapter 7, pp. 263-297 Hearsay Definition and Applications (FRE 801(a)-(c), 802, 805) *What is Hearsay and Why Don't We Like It? - Process of Analysis Under the Rules *Statements That Are NOT Hearsay Because They Are Not Offered to Prove Their Truth - Statements Containing Words of Independent Legal Significance - Verbal Acts - Statements Offered to Prove Their Effect on Listener - Statements Offered to Show Declarant's Implied Meaning - Circumstantial Evidence of the Declarant's State of Mind - Statements Used to Impeach Emojis and Other New Forms of Communication Hearsay Within Hearsay
8 Week of Mar 9	Read Chapter 8, pp. 299-340 Statements That Are Not Hearsay *A Declarant-Witness's Prior Statements (FRE 801(d)(1)) - Prior Inconsistent Statements - Prior Consistent Statements - Prior Identifications of a Person *An Opposing Party's Statements (FRE 801(d)(2)) - A Party's Own Statements - Adopted Statements - Authorized Statements - Statements by a Party's Agent Statements by Coconspirators
Spring Break March 16 - 20	
9 Week of Mar 23	Review and Wrap-Up Mid-Term, In-Class on Thursday, March 25
10 Week of Mar 30	Read Chapter 9, pp. 341-385 Hearsay Exceptions Regardless of Declarant's Availability as Witness (FRE 803) *Present Sense Impressions *Excited Utterances - Statements of Then Existing Mental, Emotional, or Physical Condition ("State of Mind") - Statements for Purposes of Medical Diagnosis or Treatment *Recorded Recollections *Records of Regularly Conducted Activity ("Business Records") *Absence of a Record of a Regularly Conducted Activity - Public Records - Statements in Ancient Documents - Remaining Exceptions Under Rule 803

11 Week of Apr 7	Read Chapter 9, pp. 385-413; Chapter 10, pp. 413-435 Unavailability Defined (FRE 804(a)) Hearsay Exceptions for When Declarant is Unavailable as Witness (FRE 804(b)) • *Former Testimony • Statements Under Belief of Imminent Death (“Dying Declarations”) • *Statements Against Interest • Statements of Personal or Family History • Forfeiture by Wrongdoing The Residual Exception (FRE 807) Hearsay: Sixth Amendment Issues in Criminal Cases
12 Week of Apr 14	Read Chapter 12, pp. 479-545 *Lay Opinion Testimony (FRE 701) Expert Opinion Testimony • *Qualifications (FRE 702) • *Reliability (FRE 702, <i>Daubert</i> and <i>Frye</i>) • Bases of an Expert Witness’s Testimony (FRE 703) • Opinions on the Ultimate Issue (FRE 704) • Disclosure of Facts or Data Underlying an Expert Opinion (FRE 705) • Court Appointed Experts (FRE 706)
13 Week of Apr 21	Read Chapter 13, pp. 547-596 Introduction to Privileges (FRE 501) *Attorney Client Privilege and Waiver (FRE 502) Spousal Privileges Psychotherapist-Patient Privilege Other Privileges • Clergy-Penitent Privilege • Accountant-Client Privilege • Journalist’s Privilege • Parent-Child Privilege State Law Privilege Preference
14 Week of Apr 28	Privileges Review Last Day of Class: Review and Class Wrap-Up