

University of California  
Hastings College of the Law

FALL 2017  
FINAL EXAMINATION: EVIDENCE  
(COURSE # 36812)

PROFESSOR MAI LINH SPENCER

EXAM DATE: NOVEMBER 29, 2017

TIME: 4 HOURS

\*\*\*\*\*

**MATERIALS ALLOWED IN THE EXAM ROOM**

Internet research is **NEVER** allowed during an in-class exam per UC Hastings exam regulations.

Students **ARE NOT** allowed to use a simple (non-PDA) calculator for this exam.

This is a Closed Book exam, **NO** outside materials are allowed in the exam room.

\*\*\*\*\*

This Exam consists of two Parts. Part I is Multiple Choice.  
Part II is Essay Questions.

\*\*\*\*\*

**GENERAL EXAM INSTRUCTIONS FOR STUDENTS**

If you are using bluebooks, please write on **one side only** of each page and **double-space** your responses.

Please write legibly. If your response cannot be deciphered, it cannot be given full credit. Number your bluebooks.

If you are using Exemplify on a computer, your exam will be formatted automatically to double-space.

If the exam calls for a scantron, use score sheet side & #2 pencil. For ID# use your 4-digit EXAM#, flush left, no 0s. Test form: A. Exam#: 1. For Name: print your professor's name. Subject: course name. Leave date blank. Erase incorrect answers completely.

### Instructions

You decide how to divide your time; my time break-downs are merely suggestions. But save at least two hours for the essays.

Once you have set out the definition of Relevance or Hearsay in an answer, you need not repeat the *complete* definition in subsequent answers. You should continue to analyze relevance and hearsay issues as necessary, but you do not need to define those terms in full each new question.

You should conduct a FRE 403 analysis only if specifically instructed to. In other words, do not address 403 concerns or "legal relevance" (a term some bar review courses use) unless directed to. If you apply a rule that refers to the 403 or reverse-403 test, conduct a 1-2 sentence analysis only.

You do not need to know any FRE numbers, except 403 and 404(b). I recommend knowing what Rules 608 and 609 are, because they are a useful shorthand. You will not be penalized for using a FRE number, so long as you don't use it to avoid stating the actual rule.

While the vast majority of points will be awarded for stating the rules correctly and applying them accurately to the facts, I award a few bonus points if your exam is well-organized and the writing is clear and concise. I recommend accurate and informative headings and consistent IRAC-ing.

No one is perfect and there may be typos or other mistakes in this exam. If there is some factual ambiguity in the fact pattern and you need to resolve that ambiguity in order to answer the question, state the factual assumption you are making and answer the question. At the end of the exam, you may write me a note to clarify a specific assumption you had to make in order to answer a question on any part of this exam. E.g., "*In MC #3, the answer referred to 'S' who was not identified in the question; I assumed you meant 'D.'*"

Apart from your knowledge of Evidence rules, I have designed this exam to test your time-management skills. You will probably not be able to answer every question as thoroughly as you would like. That is to be expected on a timed, closed-book exam.

Please prioritize reading carefully, outlining thoroughly, and **breathing**.

This is just a stepping stone. You are going to be fine.