

# Feedback Memo

## ① Biggest Thought

Evidence is a subject that I believe is traditionally taught with a strong focus on the actual rules. It is great to take a more theoretical and questioning approach to the subject. There is more to the law than just the rules as they currently exist.

## ② Biggest Worry

I am concerned that this class will not help me with the subject of Evidence on the bar exam.

## ③ Directly to Nesson

I am inspired by the way you refuse to accept systematic rules, and instead challenge the preexisting rules to achieve your goals.

## ④ Name

I prefer anonymity.

## ⑤ Sharing

OK to share

1. I enjoy the broader, theoretical approach to evidence. I agree whole-heartedly with the approach that we can learn the multiple choice part on our own.
2. Biggest concern, unfortunately, at least as regards the class is how the final will work / and the grading. With the school, I worry that Obama is stealing all the professors I want to take classes from!
3. ~~It's not really that~~ Why is it wrong to push the record button if the reasons are unjustifiable and you believe in the cause. I understand that it may not be prudent, but that is not the end of the story.
4. JUSTIN OLSON
5. \_\_\_\_\_

1. Big Thought: I am most intrigued by the comments on susceptibility of the Natural Law conception of guilt to be transferred to the Positivist conception of Law, as the doctrine that breaking rules is intrinsically wrong. Though I think such transference can be defended, I find the challenge extremely interesting.
2. Biggest worry: Who will capture Dean Kayan?
3. I have, happily, not been voted in this class, so far.
- 4.
5. Feel free to shake.

1. Most learned?

It's just as important to learn why rules exist (and why others don't) ~~than learning~~ <sup>as to learn</sup> what the rules are.

2. Biggest concern?

I plan to take Trial Advocacy (and eventually to practice in trials) and I will not know enough about the rules of evidence and objections to participate without looking like an idiot.

3. Speak directly

A lot of what is raised in class is interesting, but the pace of class is really slow. It feels like we cover so little in any 3-hour period. Also, some topics seem irrelevant to the topic of evidence - if we are going to help write motions/briefs for this RIAA case, please tell us how it is connected to the course.

4. Sign or not?

The field trip was great!

5. Share or not?

Share

(10/20/21)  
1. I KEEP COMING BACK TO THE TOKENS SPEECH  
IN DARK KNIGHT ABOUT CHAS + FAIRNESS, AND  
HOW ONE SHOULD LIVE W/OUT RULES. I HAVEN'T  
BEEN ABLE TO ARTICULATE A COMPLETE THOUGHT ON  
THAT, BUT THAT NOTION KEEPS PONDERING THROUGH MY  
HEAD DURING CLASS.

(10/21/21)  
2. THAT I AM HAVING THE DARDEST  
TIME COMING UP W/ AN ANSWER  
TO #1.

3. IF YOU COULD CONNECT WHAT WE DO IN  
CLASS TO READINGS ON THE WEEK MORE  
DIRECTLY (I.E. WHAT SHOULD I READ ON ANY GIVEN  
DAY), IT WOULD BE HELPFUL.

4.

5. SHARE

positive thought: I love learning from you. Real world applications are far more meaningful than lecture.

biggest worry: "what are the standards of evaluation for this class?" I'm not a good in class-taker, will that weigh against me? What if I can't lose the weight I put on last semester - will my jeans ~~ever~~ fit again?

to Nesson: what do you appreciate most from students? Out of class interaction? In class participation?

sign:

Share: sure.

1. I am really enjoying the way this ~~to~~ course is taught by Prof. Wesson. He tries to bring us to look at the ~~issues~~ legal rules through looking at the structural <sup>legal</sup> architecture and at the aims of the system and subsystems. His use of different and lively cases and examples through different media and involving ~~we~~ us in real cases ~~is~~ makes us feel truly involved.
2. One of my worries is whether I would be able to carry on with structural analysis by my own after the course. It seems that it requires a deep knowledge of law and its aims to come to a wise and reasoned judgment.

Unsigned + releasable.

Many thanks.

I had assumed evidence was a set of rules and tricky distinctions as to when they apply or don't apply (I imagine that's how it's presented often) But it's relation to the legal system and to truth & society turns out to be far more interesting.

My biggest worry is missing the ball - there are a lot of amazing pieces in this class and I don't always see how they fit together.

I think My Cousin Vinny is better when you narrate the action.

Sheering is fine.



1. I really enjoy the class. I think what has impacted me the most is working on the RIAA case. I also find myself more willing to challenge legal rules and assumptions.
2. We don't spend a ton of time going over the Federal Rules of Evidence, and that is my favorite part, since you explain them so well.
3. I look forward to coming to class and it is always worth it. I really like how unstructured it is - the ability to draft motions and memos as a class, to confer in groups, and try new approaches to learning.

Share

## Feedback Memo

- ① Greatest thought - The greatest difficulty in learning evidence is not memorizing the rules but <sup>to apply it.</sup> learning how
- ② Greatest concern - that I will ~~not~~ be able to master all of the ~~info~~ necessary to do well in class
- ③ This is the best class I have ever taken at HLS. All classes should be taught this way. It is far more enriching & valuable to learn by doing than to learn by reading about the rules. This actually teaches us how to be lawyers rather than just memorizing the law.
- ④ No sign
- ⑤ share

1. Biggest thought:

Does it matter? Can people (the nature of American society) be changed? Will the Internet improve/reinvigorate civil society? Can people learn they're a check on government?

2. Biggest worry:

The future is a boot continually stomping on a person's face. In complex systems, pockets of concentrated power naturally coalesce and gain disproportionate influence; no transparency.

3. To Charlie: do you think marijuana will be decriminalized in the next 10 years? What is the greatest danger of/to the Internet?

4. Joel Peters-Fransen.

1. The idea of evidence and witness testimony as part of a story, and the importance of the "music" of the story
2. I would like to see how the broader concepts we've been learning connect to the more technical rules of evidence
3. On the Live Question tool, I would like to see people take more ownership of their comments by not posting anonymously as much.
4. Brian Wessel
5. Share

1. Biggest thought...

Why do we have a winter term?

2. Biggest concern (general)

Not really sure where we are considering by the course is over

→ Say something to him

This is a hard assignment

4. Sig?

5. Share or not?

+ thought: development of the jury as a way for ordinary citizens to check infringement on the rights of their fellows, regardless of the law as written or directed. the jury as a way to allow the spirit and not just the letter of the law to show through.

worry: inaccessability. procedure being wreted as a barrier against illumination of the merits.

Nesson: more of your thoughts and your experiences for our foundation.

we speak, individually or in groups, through a lens of limited exposure.

we might benefit from a more established starting point for our arguments

1. I am a player within the framework of the law.  
I can obey or disobey rules as I see fit, for strategic moral or philosophical reasons. Rules  $\neq$  Law.
2. ~~Someone~~ Someone told me that in previous semesters, students were asked to draw masks of fear, or something to that effect. Where are the masks of fear?
3. "Fear is the mind-killer." Are you getting this from Frank Herbert's Dune? If not, you should check it out.

Nicholas Perros

TO PROF NESSON  
9 January 2009

## ① Positive thought

Evidence as we're learning it seems to be at the crux of so many seemingly disparate networks — science (broadly), psychology, rhetoric, pedagogy (of the court presentation) — so many institutional investments/effects →  $\begin{matrix} \downarrow \\ \epsilon \\ \uparrow \end{matrix}$  ←  $\begin{matrix} \uparrow \\ \epsilon \\ \downarrow \end{matrix}$  → Great tension. Great drama.

## ② Worry

That it becomes harder and harder to have faith in a jury or collective conscience/consciousness in an era when people are effectively trained from birth by media forces, etc. to be non-thinking and, more frighteningly, out of touch with their own minds and emotions. Comfortably numb. And I would like to have more faith.

## ③ Talk to Prof. Nesson

What are some other great (well known/obscure) films of evidence and trial practice? Other narratives that can give this even more flesh?

Jimmy Richardson

Distribute if you like.



1. Enlightened ignorance makes for humble intellectuals.
2. Failing to live long enough to enjoy the fruits of genetic research (life extension for example).
3. What is your central thesis for this course? What should we walk away with?
4. \_\_\_\_\_ Anonymous \_\_\_\_\_
5. Sharing is caring so by all means share.

1. Learned: Simple, effective presentation. Cut through the crap.
2. Concern: Not sure how RIAA cases are relevant to evidence in general, or how they will impact the exam.
3. Nesson: The trip to RI was great. I would appreciate a little more framework/organization in the course.
4. Sign or not? No.
5. Share or not? Indifferent

## 1) BROADER THOUGHT

WHOSE JOB IS IT TO PROTECT MY FREEDOM? THE STATE'S POWER IS STRONGER THAN MY OWN, JURIES HAVE LOST THEIR POWER TO PROTECT ME, AND PROSECUTORS MAY HAVE AGENDAS OTHER THAN DEFENSE OF MY LIBERTY. ARE THE RULES JUST ANOTHER ELEMENT OF A SYSTEM STACKED AGAINST ME. I'M TRYING TO FIGURE THIS OUT.

## 2) BIGGEST CONCERN

IS IT MORALLY/ETHICALLY RIGHT FOR US TO VIEW IN CLASS A P2P DOWNLOADED VERSION OF MY COUSIN VINNY. ARE THERE MEMBERS OF OUR CLASS AGAINST SUCH PRACTICES? PERHAPS THERE ARE SOME WHO SEE THE RECORD COMPANY'S SIDE.

## 3) TALK TO NESSON

THIS CLASS IS NOT AT ALL WHAT I EXPECTED. I THOUGHT IT WOULD BE MORE COMMITTED TO DOCTRINE. I AM HAPPY TO FIND THAT IT IS EXPLORING ISSUES ABOUT OUR SYSTEM THAT MOST LAW STUDENTS NEGLECT TO CONSIDER. I AM ENJOYING THE CLASS.

## 4) SIGN OR NOT

## 5) SHARE OR NOT

## 1. Biggest Thought / Most Significantly Learned

What we think of as "rule" - FRE, FRCP -- are something much less than that subject to relativity, "fairness", balancing away. There is always room for argument in the face of a rule.

## 2. Biggest Concern

A lack of understanding of not the FRE themselves, but how they are properly deployed. What power do they buy counsel? In what circumstances should they be referenced?

## 3. Say something

I am thoroughly enjoying the class. Could perhaps use more guidance in how much we are expected to work through the Evidence wiki on our time, reading linked-to materials, as opposed to randomly clicking through items in class.

## 4. ~~Sign~~ Not

## 5. Share ~~or Not~~ ✓

- 1) In the modern American legal setting, particularly in a jury trial, the truth is often (and perhaps tragically) relative.
- 2) Whether the notes I've taken thus far are sufficient or useful for exam preparation. (Not an overwhelming concern)
- 3) I'm loving the style of this course — informal yet highly thought-provoking, philosophical yet deeply practical orientation.
- 4)
- 5) OK to share

1) I like the emphasis placed on the jury once a case gets to trial. "Reasonable doubt" is not any definite concept, it is whatever the jury wants it to be, with or without good reasons.

2) People who like Hamkei Murakami.

3) The course seems somewhat didactic. Which is not to say that I necessarily disagree with the opinions being expressed, but I imagine that many (if not most) of us will end up working for the RIAA rather than for Joel Tenenbaum. And a broader range of viewpoints might be necessary for such work.

4) Is this course about "evidence" or trial practice in general. I know that the two are closely related, and that I can learn the Federal Rules for the bar, but a lot of the material seems unfocused and not specifically relevant to the introduction or presentation of evidence to a jury or judge. And I think the differences between the two are especially important. There are no "good" arguments, their goodness depends on their intended audience.

5) Go ahead.

- ① Idea that a system of justice does not discover 'truth' in an absolute sense, but in the sense of creating outcomes that are acceptable to the society within the system's domain.
- ② Am I missing something?
- ③ Will you represent me if I get sued for downloading 8 Mile?



Sharing is fine

1) Positive thoughts: I have really enjoyed learning about the history of the jury and the competing conceptions regarding the role of the jury in the democratic political process and in the judicial system. These competing conceptions/history has opened my eyes to the ~~possible~~ wide possibilities for democratic participation in our political system which the jury can offer ordinary people. Before this class I took the idea of the law/fact  $\leftrightarrow$  judge/jury distinction entirely for granted. It also challenges my conceptions of decisionmaking by "ordinary people" compared to "legal experts" and in the process forces me to evaluate my own ambivalence b/w elitism and populism.

2) Concern  $\rightarrow$  That I am ~~being~~ <sup>being exposed to</sup> a fascinating critical perspective on the judicial process without having a sufficient grounding in the process itself to fully comprehend/benefit from the critical perspective.

3) I have really been enjoying the various insights you ~~present~~ ~~on a number~~ bring to the heart of the judicial process. ~~I really am~~ It was great to be able to attend the hearing in Providence and to ~~be~~ have the opportunity to get actively involved in the real work you are doing. In ~~clears~~, although I wonder about the process... ~~As to~~ ~~is~~ ~~does~~ the work we produce through this group process actually going to be useful? ~~is~~

4) Dan Silverman

5) You can share this if you want.



① Natural law (the law in people's hearts) is more than an oft ignored religious concept. It is at the core of the jury concept, which has been and may be our protection against "rule-ing" liberty out of existence.

② My biggest concern is finding a way to use the power of the law, without becoming puffed up because of it.

③ You are much better than all of the stories about you.

④ —————

⑤ share