Welcome! Trial Advocacy is a course of methodology for lawyers. The objective is for you to evolve into a trial lawyer by performing and by observing your peers perform. The performing takes the form of trying parts of a case, and also serving as a witness or a principal evaluator.

The class work will consist of out-of-class preparation from case files and in-class performance. The case files and problems are found in Problems in Trial Advocacy published by the National Institute for Trial Advocacy (“NITA”). I will also lecture on general trial principles, direct examination, cross-examination, use of exhibits and tangible evidence, impeachment, and opening statements and closing arguments. But the vast majority of your learning will come from the actual experience of performing. The lecture time is, by necessity, limited due to the fact that this is a two-credit course and the focus must be on providing you the maximal performance opportunity.

Outside reading is necessary, particularly give the limited lecture opportunities due to the emphasis on performance. There are many good trial technique books available in the library, but I particularly recommend Mauet’s Trial Techniques and/or Professor Grossman’s Trying the Case.

Class attendance is essential and everyone has a role most classes. Attendance the first week is crucial, as it serves as the foundation and roadmap for the whole course. Witnesses are to know the case files and problems and are to be prepped by the attorney putting them on the stand. The principal evaluators are to know the case files and problems and engage in constructive analysis of the lawyers’ style, preparation, control, and overall effectiveness. Those not assigned those central roles in any given class are expected to have read the problems also, and to learn from observing and listening to the critiques, which greatly enhances the learning opportunity in a performance-based class. As well, everyone is encouraged to engage in the discussion each class.

Each of you also will perform a direct, a cross, admit exhibits, conduct an impeachment, and perform an opening statement or closing argument. The last two weeks, we will conduct two trials, one civil and one criminal, which form a significant part of the grade and are the culmination of the learning experience. There will be no written submissions or examinations. Your grade will be based on the review of each of your performances, including the analysis, planning, and preparation that go into those performances. Your diligence, coupled with your individualized progress and development, will be the most significant measure of your achievement and grade.
If you must miss a performance, you need to take the initiative and find a substitute. If urgency does not allow that, please give me as much notice as possible so that I can adjust the schedule.

I do not have formal office hours, as I am an adjunct professor and practicing trial lawyer. But I am always available by e-mail and frequently available by phone. We can also arrange to meet as needed.

I look forward to working with you.