August 18, 2015  Prior to attending the first class, please read and be prepared to discuss Chapter 2 in Mauet, “The Psychology of Persuasion.”
Welcome to Trial Advocacy! This is a course in methodology for attorneys. Over the course of this semester, you will learn to become an effective trial attorney and advocate for your clients by trying cases and watching your peers do the same. You will be asked to play the roles of attorney, witness, and principal evaluator in both criminal and civil trials. This requires you to read the case scenario, think through potential issues and trial strategy, and then thoroughly prepare to execute your role in class.

The majority of the classes will be devoted to the direct and cross-examination of witnesses by student-attorneys. We will also discuss the rules of evidence as they apply to each problem. The Federal Rules of Evidence are controlling.

Witnesses will be prepared by the attorneys who call them to the stand. Each witness is expected to be “in role” and aware of any prior testimony or statement that he or she has given with regard to the case. It is very important that you are well prepared to testify as a witness, because your performance in that role will be important to your classmates and will be considered as part of your grade for the exercise.

In this class, critiques by your colleague will be an important feature of developing the skills needed to become a confident and effective advocate. One student will be assigned to the role of principal evaluator for each class. The role of the evaluator is an important one. “Ann stammered a bit and seemed somewhat nervous, but other than that she did a fine job” is not sufficient. The evaluator should address the qualities of a competent litigator by analyzing the student’s knowledge of the facts, witness preparation, understanding of the legal issues, presentation, form and style, and all other criteria necessary to effectively examine witnesses and argue one’s case in a trial setting. The students not assigned a role in the case, or as a principal evaluator, will be asked to give a brief critique of
each attorney's performance as well.

This is a simulation course that depends on the preparation and participation of everyone who is assigned a role for a particular class exercise. If you find it necessary to miss a class in which you have a role to play, you must arrange for a classmate to fill that role.

ASSIGNMENTS

For each class following our introductory session, students will be asked to prepare and conduct a direct or cross examination, give an opening statement or closing argument, play a witness, and/or serve as an evaluator. The assignments will be based upon hypothetical case scenarios in the required textbooks.

In addition to the in-class exercises, students will be required to read the following excerpts from Mauet prior to each class:

8/18: “The Psychology of Persuasion,” pages 13-29 (Chapter 2)
8/25: “Direct Examination,” pages 109-135 (Sections 5.1 - 5.4)
9/1: “Cross Examination,” pages 197-199; 202-221; 249-254 (Sections 6.1; 6.3-6.6; 6.8-6.9)
9/8: “Foundation Procedure (How to get exhibits into evidence),” pages 271-282 (Sections 7.1-7.2)
   “Using/Marking Exhibits and Visual Aids,” pages 366-374 (Section 7.6)
   “Redirect Examination,” pages 190-192 (Section 5.15)
9/15: “Refreshing a Witness' Recollection,” pages 184-186 (Section 5.13)
   “Impeachment,” pages 199-201; 221-248 (Sections 6.2; 6.7)
9/22: “Lay Witness Opinions,” pages 177 - 178 (Section 5.11)
   “Character Trait Witnesses,” pages 168-173 (Section 5.9)
9/29: “Opening Statements,” pages 73-98 (Sections 4.1-4.5)
   “Experts - Cross-Examination,” pages 421-436 (Section 8.7)
10/20: “Business Records,” pages 322-331 (Section 7.4)
10/27: “Trial Notebook,” pages 192-195 (Section 5.16)
11/3: no reading assignment
11/10: Final Exam: Mock trial #1
11/17: Final Exam: Mock trial #2
ADMINISTRATIVE MATTERS

The course will be graded on the basis of in-class performances as an attorney, witness and principal evaluator, and the final exam, which is a mock trial. Factors to be considered when awarding grades include preparedness, thoroughness, organization, and improvement over the course of the semester.

The method of grading is as follows:

- Direct Examination 15%
- Cross Examination 15%
- Opening Statement 15%
- Closing Argument 15%
- Final Mock Trial 40%

The final exams will be based on two mock trials. For each trial, half of the class will be attorneys and the other half witnesses.

Regular and punctual attendance is expected. A student whose unexcused absences exceed two (2) classes may be compelled to withdraw from the course or may be barred from sitting for the final exam. **Because other students rely on your attendance and participation for the course to work properly, and because the course meets only once per week, it cannot be overstated that attendance is critical and will be a significant consideration in grading decisions.**

The professor is available to meet with students outside the classroom by appointment. Students may freely consult outside sources or persons in preparation for classroom exercises. However, in preparation for the final examination, which will involve a mock trial, students are not permitted to consult any persons other than a member of their trial team.

**Computers and Electronic Media**

Students may use laptop computers for class related purposes only. Cell phone usage is prohibited. Students are encouraged to make and watch video recordings of their classroom performances.

**Class Cancellation**

If the instructor must cancel a class, notices will be sent to students via email.