**TRIAL ADVOCACY**

# UNIVERSITY OF BALTIMORE SCHOOL OF LAW

# SPRING 2018

**Course**: **Trial Advocacy** LAW 825.321

**Instructor**: Michael J. Belsky, Esq.

(410) 598-5611

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**Days/Time:** Wednesdays 1:30 PM to 4:15 PM

**Location:** Room assignments are available through MyUB.

# Course Description:

This course is devoted primarily to exercises by students in direct and cross-examination of witnesses and to opening and closing statements in both civil and criminal cases. The exercises are critiqued with respect to both substance and courtroom demeanor. At the conclusion of the course, students, acting in teams, take part in full trials.

# Course Materials:

# Mauet, Thomas A., *Trial Techniques and Trials*; (you may purchase an earlier edition)

# Bocchino, Anthony J., *Problems in Trial Advocacy*, 2017 Edition

**Student Learning Outcomes:**

* 1. Students will learn all facets of trial, from opening statements through closing arguments.
  2. Students will focus on developing themes, theories and other story telling techniques in order to explore good advocacy.

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| **Grades:** |  |
| Opening Statement | 15% |
| Direct Examination | 15% |
| Cross Examination | 15% |
| Closing Statement | 20% |
| Final Trial | 25% |
| Attendance & Participation | 10% |
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**Note:** Superlative class performance can raise a student’s final grade by 1/3, e.g., from a C+ to a B-. Conversely, a student’s habitual under preparedness or absence can lower the final grade by 1/3.

# Course Expectations:

American Bar Association Standards for Law Schools establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work each week for each credit earned in a class, or an equivalent amount of work for other academic activities, such as simulations, externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

# Attendance:

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. Success in this course is dependent upon class attendance and participation. Therefore, absences should be avoided if at all possible. All absences are treated the same, regardless of the reason. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

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| Credit Hours | Meetings Per Week | |
|  | 1 | 2 |
| 2 | 2 absences | 5 absences |
| 3 | 2 absences | 5 absences |

# Participation:

You are required to come to class prepared to participate. Participation means consistently reading the materials and discussing them in class. Discussion includes treating the Professor and classmates with courtesy, respect and honesty. Computers are useful to enhance class participation and shall be used only for that purpose. Cell phones should be turned off so as not to be distractions. If a class is missed, another student must be designated to pick up any materials and provide notes.

# Confidentiality:

You may not discuss any of the role-play information or aspects of the final project with anyone else in class or anyone who formerly took the course unless the problem calls for it.

# Class Cancellation:

If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.

# Academic Integrity:

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at [http://law.ubalt.edu/academics/policiesandprocedures/honor\_code/.](http://law.ubalt.edu/academics/policiesandprocedures/honor_code/)

# Title IX Sexual Misconduct and Nondiscrimination Policy:

The University of Baltimore’s Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB’s nondiscrimination policies can be found at: [http://www.ubalt.edu/titleix.](http://www.ubalt.edu/titleix)

# Disability Policy:

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 o[r lmetzger@ubalt.edu.](mailto:lmetzger@ubalt.edu)

# ASSIGNMENTS

A comprehensive assignment schedule, including your specific performance dates, will be handed out on the first day of class.

**January 17, 2018 Class Introduction & Opening Statements Lecture**

First class assignment (to be completed prior to first class): read

*Mauet* Ch. 4, Opening Statements

**January 24, 2018 Performance – Opening Statements**

**January 31, 2018 Performance – Opening Statements**

Next class assignment: read *Mauet* Ch. 10 Objections

**February 7, 2018 Lecture – Direct & Cross Examination, Objections, Impeachment, and Exhibits**

Next class assignment: read *Mauet*, Ch. 6 Exhibits, Ch. 7 selections on Impeachment

**February 14, 2018 Practice Impeachment and Exhibits**

Next class assignment: the following two chapters are assigned in *Mauet*, but can be read in conjunction with the type and date of your performance:

* Ch. 5 – Direct Examination
* Ch. 7 – Cross Examination

**February 21, 2018 Performance – Direct & Cross Examinations**

**February 28, 2018 Performance – Direct & Cross Examinations**

**March 7, 2018 Performance – Direct & Cross Examinations**

Next class assignment: read *Mauet*, Ch. 9 Closing

**March 14, 2018 Lecture – Closing Statements**

**March 18-25, 2018 Spring Break**

**March 28, 2018 Performance - Closing Arguments**

**April 4, 2018 Performance – Closing Arguments**

**April 11, 2018 Final Prep – Lecture on Experts and General Trial Structure**

**April 18, 2018 Final Prep**

**April 25, 2018 Final**

**The date of the final will be determined during the first week of class. If the final is held on a weekend, this date will be used for preparation.**

**May 3-6, 2018 Finals Study Period**

**May 7-17, 2018 Final Exam Period**