Syllabus

**University of Baltimore School of Law**

Spring 2018

**Course**: Trial Advocacy

LAW 825

**Section 412**

**Instructor**: Bonnie S. Greenberg

[Bonnie.Greenberg@usdoj.gov](mailto:Bonnie.Greenberg@usdoj.gov)

410-615-3175

**Days/Time: Mondays 6:15-9:00 p.m.**

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

**Course Description**:

This course is devoted primarily to developing trial advocacy lawyering skills by engaging students in exercises that simulate trial practice. Students prepare lay and expert witnesses, perform exercises including direct and cross-examination and opening and closing statements, learn to develop and implement a case theory, and practice making and responding to objections. Students consider ethical and tactical issues arising in the trial process. Students conduct regular self-evaluation of their preparation and performance, and the exercises are critiqued with respect to substance, strategy, and courtroom demeanor. At the conclusion of the course, students, acting in teams, take part in full trials. Prerequisite: Evidence

**Course Materials:**

**Required:**

POTTER v. SHRACKLE+SHRACKLE CONST., Sixth Edition

**Optional:**

FEDERAL RULES OF EVIDENCE W/OBJECTIONS 9th Edition

TRIAL TECHNIQUES+TRIALS (Mauet) 12th Edition

**Student Learning Outcomes:** After completingthis course students will be able to conduct an opening argument, direct examination, cross-examination, and a closing argument. Students will also learn how to object and respond to objections and admit evidence. Finally, students will learn how to effectively put together a compelling case for their client.

This course in Trial Advocacy is a course in methodology for attorneys. I believe that you learn to be a competent trial attorney by doing and watching your peers do courtroom presentations. What you have to do in this class is prepare your role as attorney, witness, principal evaluator and constructive critic. This requires that you read the problem, think through your trial strategy, and then prepare for your role in class as attorney, witness, or principal evaluator. The majority of classes will be devoted to the examination of witnesses by student-attorneys. We will also study the rules of evidence as they apply to each problem. The Federal Rules of Evidence are the law of the land.

Witnesses will be prepared by the attorney who calls 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 be prepared to testify. Witnesses who are not prepared may harm both their own grade and that of the attorney responsible for preparing that witness. Since this is a simulation course, there will be a requirement that students do more independent thinking. **Should someone find it absolutely necessary to miss a performance, you are responsible for securing a replacement.**

In this class, colleague critiques 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 evaluator for each class. The role of the evaluator is an important one. The evaluator should analyze elements such as style, control, substance, knowledge of evidence, preparation, and all other criteria that impact upon an attorney’s effectiveness in the examination of witnesses.

**Grades:**

The course will be graded on the basis of in-class performance as attorney, witness or principal evaluator, and the final exam, which is a trial. Your performance as an attorney will compromise 25% of your grade. Your performance as a principle evaluator and witness will count as 10% of your grade. The final exam will count as 65% of your grade in order to recognize improvement throughout the course, which is the goal.The final exam will be based on one trial. Half of you will be attorneys and half will be witnesses in the first trial, and switch in the second. **Students may freely consult outside sources or persons in preparation for classroom exercises, and are encouraged to do so. 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 once the team assignments are made.**

**Course Expectations:**

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 textbook. You are expected to complete all reading assignments before class and to participate consistently in class discussion to demonstrate that you have read and reflected on the issues raised in the assignment.

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 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. 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 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.

|  |  |  |
| --- | --- | --- |
| Regular Semester Hours | | |
| Credit Hours | Meetings Per Week | |
|  | 1 | 2 |
| 2 | 2 absences | 5 absences |
| 3 | 2 absences | 5 absences |
| 4 | -- | 5 absences |

**Course Website:**

This course will have a TWEN page.

**Computers:**

Students may use laptop computers for class-related purposes.

**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/.

**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.

**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 or lmetzger@ubalt.edu.

**ASSIGNMENTS**

Prior to attending the first class, please read and be prepared to generally discuss the case file, Potter v. Shrackle. As a class, we will discuss the facts of this case and decide which are the “good” and “bad” facts, from both a defense and prosecution perspective. We will be working with this case file for most of the semester.

Optional reading- Chapter 2 in Mauet, “The Psychology of Persuasion.” If you did not get the book, read a blog summary of this chapter- <https://atcounseltable.wordpress.com/2013/08/20/five-psychological-principles-of-jury-persuasion>.

The assignment list will be distributed after the first class. It will include suggested chapters from Mauet to aid you in your preparation.