TRIAL ADVOCACY II SYLLABUS SPRING 2012
CRIMINAL SECTION

MARY TURNER WORK: 247-5011
TURNER & WEBB, P.C. HOME: 752-9612
2312 UNIVERSITY BOULEVARD CELL: 242-2045
TUSCALOOSA, ALABAMA 35401

EMAIL: mary@turnerwebb.com

CLASS MEETING

Tuesdays from 5:30 to 8:20 p.m. Room: A245

TEXT MATERIALS

MODERN TRIAL ADVOCACY, Analysis and Practice, by Steven Lubet (on reserve in the Law Library)

EVIDENTIARY FOUNDATIONS, 6th Edition by Edward J. Imwinkelried

CASE FILE: State of Nita vs. Burns

HANDOUTS: Provided by the instructor

COURSE REQUIREMENTS/ATTENDANCE POLICY

Attendance for all classes is mandatory as required by the Trial Advocacy Program. Therefore, any absence from class, other than unexpected emergencies or illnesses, must be approved in advance by the instructor. Any un-excused absence will result in the lowering of the student’s grade. If a student finds it necessary to miss a class, that class must be made up by attending another instructor’s class and notifying me of the date and time of attendance.

GRADING

This course is a Pass/D/Fail course. The instructor therefore has three options. While students expect and generally do in fact receive a grade of Pass in this course, a D or failing grade will be awarded to students who are absent from class without permission, who fail to perform an assigned exercise who show a general lack participation in class activities.

COURSE METHODOLOGY

This class in focused on litigation skills. The methodology for this course will be a mixture of lecture, discussion, demonstration (both live and videotaped) and stimulated skill exercises. Students will be expected to be actively involved in each week’s class.

Exercise for this semester will be drawn primarily from the case file of STATE OF NITA VS. BURNS. This class will be divided into trial teams of two students. Each team will represent either the Defendant or the State of Nita.
WEEK ONE  
January 11, 2012

Introduction to Course: Explain attendance policy & establish trial teams

Topic for Discussion: Developing the Theory of the Case in general

WEEK TWO  
January 18, 2012

Topic for Discussion: The theory of the case regarding *State of Nita v. Burns*  
Opening Statements

Reading Assignment: Handouts on Developing the Theory of the Case and Opening Statements

*Lubet*, Chapter: 1, 2 & 3  
*Burns*, pg 35-37

WEEK THREE  
January 25, 2012

Exercise: *Burns*, Problem 22  
Prepare an opening statement for *State of Nita vs. Burns*  
Be prepared to give an opening statement to the Class

Reading Assignment: *Lubet*, Chapter 11

WEEK FOUR  
February 1, 2012

Exercise: Continue with opening statements (Burns, Problem 22)

Topic for Discussion: Exhibits and Demonstrative Evidence

Reading Assignment: *Lubet*, Chapter 10  
*Burns*, pgs 9-17

WEEK FIVE  
February 8, 2012

First Exercise:  
Introduction of exhibits and use of demonstrative evidence  
(Each student should be prepared to use a piece of demonstrative evidence in his/her opening statement and each student should be prepared to know the steps of laying a foundation for a picture of the crime scene).

Second Exercise: *Burns*, Prepare Problems 5, 6, 7, 8 & 9
WEEK SIX
February 15, 2012

Topics for Discussion: Direct Examination
Expert Witnesses
Laying Foundations

Reading Assignment: Lubet, Chapter 4 & 8
Burns, pgs 5-6

WEEK SEVEN
February 22, 2012

Exercise: Burns, Prepare Problems #1, 2, 3 & 4

Reading Assignment: Lubet, Chapter 5

Topic for Discussion: Cross Examination

WEEK EIGHT
February 29, 2012

Watch Video on Cross Examination

WEEK NINE
March 7, 2012

Exercise: Burns, Prepare Problems #18, 19 & 20
Conduct a cross examination

Reading Assignment: Lubet, Chapter 4 and 6
Imwinkelried, Chapter 5

MARCH 14, 2010 - NO CLASS - SPRING BREAK

WEEK TEN
March 21, 2012

Topic for Discussion: Impeachment and Rehabilitation
Making objections

First Exercise: Impeachment problems
Burns, Prepare Problems #10, 11 & 12

Reading Assignment: Lubet, Chapter 12
Burns, pgs 39-40

Topic for Discussion: Closing Argument
WEEK ELEVEN  
March 28, 2011  

Exercise:  
Burns, Prepare Problem #23  
Prepare a Closing Argument for the Burns case and be prepared to argue before the class  

Reading Assignment:  
Handout:  The Art of Drafting Jury Instructions  

WEEK TWELVE  
April 4, 2012  

Exercise:  
Draft jury instructions  
Be prepared to argue why Judge should give the requested instruction  

Reading Assignment:  
Lubet, Chapter 13  
Handout:  How to Conduct a Meaningful and Effective Voir Dire  

Topic for Discussion:  
Batson motions; articulating race neutral reasons  
Voir Dire  

WEEK THIRTEEN  
April 11, 2012  

Exercise:  
Conduct a Voir Dire using the Burns case  
Burns, Prepare Problem 21  

Topic for Discussion:  
Guidelines for Trial  
Stipulations  

WEEK FOURTEEN  
April 18, 2012  

Exercise:  
Trials:  STATE OF NITA VS. BURNS