TRIAL ADVOCACY II SYLLABUS SPRING 2013
CRIMINAL SECTION

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CLASS MEETING

Wednesdays 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, 7th Edition by Edward J. Imwinkelried
Not required but suggest if you can buy on Amazon if you want to try cases keep it and do not sell back at end of the semester

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 9, 2013

Introduction to Course: Explain attendance policy & establish trial teams

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

WEEK TWO
January 16, 2013

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 23, 2013

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
January 30, 2013

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 6, 2013

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 13, 2013  
Topics for Discussion: Direct Examination  
Expert Witnesses  
Laying Foundations  
Reading Assignment: Lubet, Chapter 4 & 8  
Burns, pgs 5-6

WEEK SEVEN  
February 20, 2013  
Exercise: Burns, Prepare Problems #1, 2, 3 & 4  
Reading Assignment: Lubet, Chapter 5  
Topic for Discussion: Cross Examination

WEEK EIGHT  
February 27, 2013  
Watch Video on Cross Examination

WEEK NINE  
March 6, 2013  
Exercise: Burns, Prepare Problems #18, 19 & 20  
Conduct a cross examination  
Reading Assignment: Lubet, Chapter 4 and 6  
Imwinkelried, Chapter 5

WEEK TEN  
March 13, 2013  
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 20, 2013

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

MARCH 27, 2013 - NO CLASS - SPRING BREAK

WEEK TWELVE  
April 3, 2013

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 10, 2013

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

Topic for Discussion: Guidelines for Trial  
Stipulations

WEEK FOURTEEN  
April 17, 2013

Exercise: Trials: STATE OF NITA VS. BURNS