TRIAL ADVOCACY II SYLLABUS SPRING 2015
CRIMINAL SECTION

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CLASS MEETING
Tuesdays from 5:30 to 8:20 p.m. Room: A246

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

**EVIDENTIARY FOUNDATIONS, 9th 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 is 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 6, 2015

Introduction to Course: Explain attendance policy & establish trial teams

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

WEEK TWO
January 13, 2015

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, Review case file and be prepared to discuss good facts/bad facts for your side.

WEEK THREE
January 20, 2015

Exercise: 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 27, 2015

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

Topic for Discussion: Exhibits and Demonstrative Evidence

Reading Assignment: Lubet, Chapter 10
Burns, review pages handed out in class on 1/20/15
Imwinkelried, §1.01-1.04

WEEK FIVE
February 3, 2015

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 (to be handled out in class on 1/27/15)

Reading Assignment: **Imwinkelried**, §4.07-4.09

**WEEK SIX**  
**February 10, 2015**

Topics for Discussion: Direct Examination  
Expert Witnesses

Reading Assignment: **Lubet**, Chapter 4 & 8  
**Burns**, pgs 5-6 (to be handed out in class on 2/3/15)

**WEEK SEVEN**  
**February 17, 2015**

Exercise: **Burns**, Prepare Problems #1, 2, 3 & 4 (to be handed out in class on 2/10/15)

Reading Assignment: **Lubet**, Chapter 5

Topic for Discussion: Cross Examination

**WEEK EIGHT**  
**February 24, 2015**

Watch Video on Cross Examination

**WEEK NINE**  
**March 3, 2015**

Exercise: **Burns**, Prepare Problems #18, 19 & 20 (to be handed out in class on 2/24/15)

Conduct a cross examination

Reading Assignment: **Lubet**, Chapter 4 and 6

**WEEK TEN**  
**March 10, 2015**

Topic for Discussion: Impeachment and Rehabilitation  
Making objections

First Exercise: Impeachment problems  
**Burns**, Prepare Problems #10, 11 & 12 (to be handed out in class on 3/3/15)
Reading Assignment:   **Lubet**, Chapter 12  
                  **Burns**, pgs 39-40

Topic for Discussion:  Closing Argument

**MARCH 17, 2015 - NO CLASS - SPRING BREAK**

**WEEK ELEVEN**  
March 24, 2015

Exercise:  **Burns**, Prepare Problem #23 (to be handed out in class)  
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**  
March 31, 2015

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 7, 2015

Exercise:  Conduct a Voir Dire using the **Burns** case

Topic for Discussion:  Guidelines for Trial Stipulations

**WEEK FOURTEEN**  
April 14, 2015

Exercise:  Prepare for Trials:  **STATE OF NITA VS. BURNS**
WEEK FIFTEEN
April 21, 2015

Exercise:    Trials:    

STATE OF NITA VS. BURNS