TRIAL ADVOCACY II SYLLABUS SPRING 2016
CRIMINAL SECTION

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CLASS MEETING

Mondays 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, 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 11, 2016

Introduction to Course: Explain attendance policy & establish trial teams

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

WEEK TWO
January 18, 2016

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
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 25, 2016

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
February 1, 2016

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 1/25/16
Imwinkelried, §1.01- 1.04

WEEK FIVE
February 8, 2016

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 2/1/16)
WEEK SIX
February 15, 2016

Topics for Discussion:
- Direct Examination
- Expert Witnesses

Reading Assignment:
- Imwinkelried, §4.07-4.09

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

WEEK SEVEN
February 22, 2016

Exercise:
- Burns, Prepare Problems #1, 2, 3 & 4 (to be handed out in class on 2/15/16)

Reading Assignment:
- Lubet, Chapter 5

Topic for Discussion:
- Cross Examination

WEEK EIGHT
February 29, 2016

Watch Video on Cross Examination

WEEK NINE
March 7, 2016

Exercise:
- Burns, Prepare Problems #18, 19 & 20 (to be handed out in class on 2/29/16)
- Conduct a cross examination

Reading Assignment:
- Lubet, Chapter 4 and 6

MARCH 14, 2016 - NO CLASS - SPRING BREAK

WEEK TEN
March 21, 2016

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 3/7/16)
Reading Assignment:  
Lubet, Chapter 12  
Burns, pgs 39-40

Topic for Discussion:  
Closing Argument

WEEK ELEVEN  
March 28, 2016

Exercise:  
Burns, Prepare Problem #23 (to be handed out in class on 3/21/16)  
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, 2016

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, 2016

Exercise:  
Conduct a Voir Dire using the Burns case

Topic for Discussion:  
Guidelines for Trial Stipulations

WEEK FOURTEEN  
April 18, 2016

Exercise:  
Trials:  
STATE OF NITA VS. BURNS