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 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 8, 2018

Introduction to Course: Explain attendance policy & establish trial teams

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

January 15, 2018 NO CLASS – HOLIDAY

WEEK TWO
January 22, 2018

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

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 29, 2018

Exercise: Prepare an opening statement for **State of Nita vs. Burns**

Reading Assignment: **Lubet**, Chapter 11

WEEK FOUR
February 5, 2018

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 1/30/17

**Imwinkelried**, §1.01-1.04

WEEK FIVE
February 12, 2018

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
Second Exercise: Burns, Prepare Problems 5, 6, 7, 8 & 9 (to be handled out in class on 2/1/16)
Reading Assignment: Imwinkelried, §4.07-4.09

WEEK SIX
February 19, 2018
Topics for Discussion: Direct Examination
Expert Witnesses
Reading Assignment: Lubet, Chapter 4 & 8
Burns, pgs 5-6 (to be handed out in class on 2/13/17)

WEEK SEVEN
February 26, 2018
Exercise: Burns, Prepare Problems #1, 2, 3 & 4 (to be handed out in class on 2/20/17)
Reading Assignment: Lubet, Chapter 5
Topic for Discussion: Cross Examination

WEEK EIGHT
March 5, 2018
Watch Video on Cross Examination

MARCH 12, 2018 - NO CLASS - SPRING BREAK

WEEK NINE
March 19, 2018
Exercise: Burns, Prepare Problems #18, 19 & 20 (to be handed out in class on 3/6/17)
Conduct a cross examination
Reading Assignment: Lubet, Chapter 4 and 6

WEEK TEN
March 26, 2018
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 3/20/17)

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

Topic for Discussion: Closing Argument

WEEK ELEVEN
April 2, 2018

Exercise: Burns, Prepare Problem #23 (to be handed out in class on 3/20/17)
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 9, 2018

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 for Voir Dire

Exercise: Conduct a Voir Dire using the Burns case

Topic for Discussion: Guidelines for Trial Stipulations

WEEK Thirteen
April 16, 2018

Exercise: Trials: STATE OF NITA VS. BURNS