

Trial Advocacy II, Litigation Technology

Schedule for Spring Semester 2009

Instructor: Joel Simberg
Joelbsimberg@yahoo.com
(732) 513-0512 - Cell
(773) 869-6989 - Work

Time: Wednesday Nights 5:50 pm

Location: Ring Courtroom (Room 632)

Course Description:

Trial Advocacy II, Litigation Technology is an advanced trial advocacy course designed to build upon the skills learned in Trial Ad I and will teach the skills necessary for students to advocate in courtrooms where the use computers and technology are becoming increasingly prevalent. The class will teach students the concepts of visual persuasion through the use of digital discovery, computerized exhibits, and other visual aids. Students will learn to use Power-Point and Sanction II during opening statements and closing arguments as well as the examination of witnesses.

Students will engage in two simulated jury trials as well as various trial exercises in order to utilize the skills taught during the course.

Week	Date	Topic and Assignments	Comments
1	8/26	Overview of Course and Introduction to Visual Persuasion	The fundamentals of persuasion with visuals, demonstration of visuals during opening statements, examinations and closing arguments. Handout materials for exercises.
2	9/2	Organization, Case Development, Pretrial Motions and Evidentiary Foundations. Assignment: Litigation Technology: Becoming a High Tech Trial Lawyer, Chapters 1 and Exercise: Mock Direct and cross exercises using demonstrative aids and focusing on the introduction of exhibits.	Organization of case and development of themes, value analysis, motions in limine, foundations, making objections. Assign teams.
3	9/9	Opening Statement	Opening statements with PowerPoint, positives and pitfalls of linear presentations, advocacy

		Assignment: Litigation Technology: Becoming a High Tech Trial Lawyer, Chapter 3	considerations, Selection of Perspective. PowerPoint workshop.
4	9/16	Direct Examination Assignment: Litigation Technology: Becoming a High Tech Trial Lawyer, Chapter 4	Direct examination with PowerPoint, introduction to non-linear presentations, episodic and chronological directs, expert testimony with visuals, diagrams. Smartdraw and PowerPoint workshop.
5	9/23	Cross Examination/Closing argument Assignment: Litigation Technology: Becoming a High Tech Trial Lawyer, Chapter 5 and 6 Exercise: Impeachment	Cross examination with Sanction II, fundamentals of cross, pro-active and re-active cross, impeachment exercises. Re-enactments, impact statements, closing arguments with linear and non-linear presentations, pro-active and re-active arguments, Sanction II workshop.
6	9/30	Exercise: Direct/Cross Examination with Powerpoint and Sanction II	Sanction II Workshop.
7	10/7	Exercise: Opening Statements Assignment: Prepare individual opening statements for assigned problem	Problems: Plaza Luquillo: Team A v. B Jeffery v. Ballers: Team C v. D Yuk: Team E v. F
8	10/14	Exercise: Closing Arguments Assignment: Prepare individual closing arguments for opposite side of same problem	Problems: Plaza Luquillo: Team B v. A Jeffery v. Ballers: Team D v. C Yuk: Team F v. E
9	10/21	Trial 1: Donaldson v. Empire Car Rental Assignment: Prepare Problem for Trial	Team A v. B
10	10/28	Trial 1: Donaldson v. Empire Car Rental Assignment: Prepare Problem for Trial	Team C v. D
11	11/4	Trial 1: Donaldson v. Empire Car Rental Assignment: Prepare Problem for Trial	Team E v. F
12	11/11	Trial 2: People v. Benson and Wentworth Assignment: Prepare Problem for Trial	Team D v. A
13	11/18	Trial 2: People v. Benson and Wentworth	Team B v. E

		Assignment: Prepare Problem for Trial	
14	12/2	Trial 2: People v. Benson and Wentworth	Team F v. C
		Assignment: Prepare Problem for Trial	

Software: This class will use Adobe Acrobat, PowerPoint, SmartDraw, and Sanction II. Digital copies of the trial practice problems as well as copies of Sanction II and SmartDraw will be provided to the students in class at the beginning of the semester. Also, students should download a freeware copy of Irfanview at www.irfanview.com which will help in the management of the materials for trial. Students are responsible for having PowerPoint and Adobe Acrobat Reader on their own laptops.

Equipment: Students will need to have a laptop of their own. Students using an Apple product must also run software which will allow them to run windows based programs (*i.e.*, Parallels or Bootcamp). Cordless presenters will be provided for the exercises and trials, but students may wish purchase one of their own for practice.

Materials: The text for this course is Mike Rogers' *Litigation Technology: Becoming a High Tech Trial Lawyer*. Recommended texts would include Imwinklereid's *Evidentiary Foundations* and the Federal Rules of Evidence. All exercises and trial materials will be scanned and provided to students during the semester.

The dates of the computer workshops may change as need arises.

Prerequisite courses: Evidence and Trial Advocacy I.