

DEPAUL UNIVERSITY COLLEGE OF LAW
ADVANCED TRIAL ADVOCACY
SPRING 2008
WEDNESDAY 5:50-8:30 P.M.
ROOM 631

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I. REQUIRED COURSE MATERIALS

Mauet and Wolfson, *Materials in Trial Advocacy, Problems and Cases*,
(5th ed.)

Lubet, *Modern Trial Advocacy*, (2nd ed.)

Federal Rules of Evidence

II. METHOD AND FORMAT OF CLASS

This course is designed to teach law students how to try civil and criminal case from start to finish. It is my goal, after successfully completing this course, that students will be ready to try a case from the prosecution and defense sides as well as the plaintiff and defense. Weekly exercises will include arguing pre-trial motions, conducting voir dire, preparing jury instructions.

The initial 5-7 weeks will be spent honing your skills in direct and cross-examination, opening statements, and closing arguments. After that point we will learn about trial strategy, motions in limine, voir dire, (jury selection), expert witnesses, and jury instruction. Finally, we will begin to try cases each week. Each class will have two to three mini-trials per week where each student will get the opportunity to do opening statement, direct and cross-examinations, and closing arguments. This will give each student the opportunity to try a case from start to finish. Most important, during each class you will be participating in the trial process.

The most important part of the class is class participation, trial preparation, *effort and improvement*.

III. COURSE RULES

Each student must have a working knowledge of the fact patterns that are assigned in order *to act as an effective witness*. Each student will be required to prepare appropriate direct and cross-examinations, however, these exercises are only effective if the person in the role of the witness has a thorough understanding of the facts. It is essential that the witness *know the facts* of the problem.

IV. METHOD AND FORMAT

The course will be conducted by the simulation and critique method. Students will be required to prepare simulated trial exercises for each class session. During the class time, the instructor will call upon the students, individually or in teams, to assume the role of counsel for one of the parties and then to perform the exercise. Performance in class is followed by critique. The purpose of the critique is to help the student develop trial skills and evaluate the trial experience. Students must be prepared each week to make a presentation.

V. METHOD OF EVALUATION

Students will be graded on their performance in each classroom simulation. Evidence of preparation, quality of presentation, participation in class discussion and degree of professional skills demonstrated are all factors in grading decisions.

No written final examination will be given.

Students will also be required on occasion to serve as jurors or witnesses for simulated exercises. Trial counsel and persons serving as witnesses are to talk with each other about the case only in role.

At times, during the semester, students may be videotaped during classroom exercises if taping equipment is available. In that event, students will be required to review the tapes with the instructor.

VI. COURSE SCHEDULE

WEEK 1

Introduction and Course Orientation.

Introduction (mini-lectures) to Cross-Examination, Redirect Examination, and Impeachment.

Please read and prepare problems 5.9, 5.10, 5.11, & 5.12 in Mauet and Wolfson, *Materials in Trial Advocacy, Problems and Cases*, (5th ed.).

Read pages 151-208 in Lubet, *Modern Trial Advocacy*, (2nd ed.).

WEEK 2

Lecture on Direct Examination
Introduction to Opening Statements

Read Lubet, 45-75

Read and prepare problems 3.11, 3.12, 3.13, 3.14, 3.17

WEEK 3

Lecture on speaking in front of jury, effective courtroom style and question preparation.

Problems on Direct and Cross-Examination
Read and prepare problems 3.8 and 3.16

Problems on Exhibits
Read and prepare problems 4.1, 4.15, 4.20, and 4.22

Read Lubet 337-350 (350-375 discusses specific type of exhibits), 433-436

WEEK 4

Lecture on Closing Arguments

Opening Statements (10-12 minutes each)
Problems 7.3, 7.4, 7.6, 7.9

Read Lubet 482-495
Skim the remainder of Chapter 12

WEEK 5

Lecture on Direct and Cross-Examination of Expert Witnesses

Closing Arguments (10-15 minutes each)

Problems 7.3, 7.4, 7.6, 7.9

You will perform the opposite side that you performed in your opening statement.

WEEK 6

Lecture on Voir Dire (jury selection), Motions in Limine, and Jury Instructions

Direct and Cross Examination of Experts
Problems 6.1-6.6, 6.10, 6.11

Read Lubet 505- 527

WEEK 7

MID SEMESTER MINI TRIALS

Problems to be announced

Teams will try a case from start to finish

WEEK 8-13

Mini-trials
Trial problems to be announced

WEEK 14

FINAL TRIALS

Problems to be announced