

DEPAUL COLLEGE OF LAW
ADVANCED TRIAL ADVOCACY SYLLABUS
SPRING 2009
TUESDAY 5:50 - 8:30 P.M.
ROOM 632

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I. REQUIRED COURSE MATERIALS

Mauet & Wolfson, *Materials in Trial Advocacy, Problems & Case*, (sixth edition)
Lubet, *Modern Trial Advocacy* (third edition) (this book is utilized by the National Institute
for Trial Advocacy (NITA))
Federal Rules of Evidence

II. METHOD AND FORMAT OF THIS CLASS

This course is designed to teach law students how to successfully try civil and criminal cases. It is my goal, after you have completed this class, for you to be ready to try a case from the prosecution and defense sides (as well as plaintiff and defense). This will include arguing motions in limine, conducting voir dire, and preparing jury instructions. In other words, you will be able to try a case from start to finish so that you will be prepared to do so upon successful completion of the bar exam.

The initial 5-7 weeks will be spent honing your skills in direct examination, cross-examination, opening statement and closing argument. After that point, we will learn about trial strategy, motions in limine, voir dire (jury selection), expert witnesses and jury instructions. Finally, we will begin trying cases on a weekly basis. Each class will have two to three mini-trials per week where each student will get the opportunity to open, direct, cross and close a case. This will give each student the simulated experience of trying a case from start to finish. Most important, during each class you will be participating in the trial process. There will be "no weeks off" to watch your fellow students try their cases.

The most important part of this class is going to be 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 obviously be required to prepare appropriate

direct or cross examinations, however, these will only be effective if the witness understands and *knows the facts*.

Participation is mandatory. You will be required to perform some type of exercise on a weekly basis. This is being done in order to sharpen each student's skill and get each student into the best shape possible for trying cases.

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 assigned exercise. Performance in class is always followed by critique. Be prepared to answer crisply each of the following questions: What were you trying to accomplish? Do you think you succeeded? What additional objectives, if any, did you consider and reject? The purpose is not to put you on the defensive but to help you and others in the class develop your skill in evaluating the trial experience--whether simulated or real, and whether your own performance or that of another.

Students must be prepared each week to make a presentation. The instructor will schedule as many simulations and critiques as class time allows.

METHOD OF EVALUATION

Students will be graded on their performance in each classroom simulation. They will also be graded on their overall classroom participation. Participation includes, but is not limited to, presence at classroom discussion, evidence of preparation for the simulated exercises, quality of involvement in classroom discussion, and degree of professional skills demonstrated.

No written final examination will be given.

Students will also be required on occasion to serve as witnesses or jurors or to recruit witnesses or jurors for simulated exercises. Trial counsel and any person serving as a witness are to talk with each other about the case only in role. During the critique session after a trial, those who served as witnesses may be called upon to perform the very same trial exercise for evaluation.

The instructor may choose to videotape classroom exercises for viewing in or out of class. In that event, students will be required to review those tapes with the instructor.

V. COURSE SCHEDULE

WEEK 1

Introduction and Course Orientation

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

Cross examination, impeachment & redirect examination problems

Please read and prepare problems 5.9, 5.10, 5.11 & 5.12 in *MAUET, PROBLEMS AND MATERIALS IN TRIAL ADVOCACY*.

SKIM LUBET (COURSE BOOK) PAGES 151-208 SO THAT YOU HAVE AN UNDERSTANDING OF IMPEACHMENT

WEEK 2

Lecture on Direct Examination

Introduction to Opening Statements

Direct Examination Problems

Please read and prepare problems 3.11, 3.12, 3.13, 3.14, 3.17

Read Lubet, 45-75

WEEK 3

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

More problems on Direct & Cross examination

Please read and prepare problems 3.8 and 3.16

Problems on Exhibits

Please read and prepare problems 4.1, 4.15, 4.20, and 4.22

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

Skim 387-432

WEEK 4

Lecture on Closing Arguments

Perform Opening Statements (10-15 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 Examination and Cross Examination of Experts

Perform 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

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

Read Lubet 505-527

WEEK 7

MID-SEMESTER TRIALS

Trial problems to be announced
Each trial team (consisting of 2 attorneys per team) will try a case from start to finish.

WEEK 8-13

Mini-trials (three per class)
Trial problems to be announced

WEEK 14

FINAL TRIALS

Trial problems to be announced