

# Trial Advocacy II, Litigation Technology

Schedule for Spring Semester 2009

Instructor: Joel Simberg  
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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		<b>Overview of Course and Introduction to Visual Persuasion</b>	The fundamentals of persuasion with visuals, demonstration of visuals during opening statements, examinations and closing arguments.
2		<b>Organization, Case Development, Pretrial Motions and Evidentiary Foundations.</b>  Assignment: Litigation Technology: Becoming a High Tech Trial Lawyer, Chapters 1 and 2	Organization of case and development of themes, value analysis, motions in limine, foundations, making objections. Assign teams.
3		<b>Opening Statement</b>  Assignment: Litigation Technology: Becoming a High Tech Trial Lawyer, Chapter 3	Opening statements with PowerPoint, positives and pitfalls of linear presentations, advocacy considerations, Selection of Perspective, PowerPoint workshop.
4		<b>Direct Examination</b>	Direct examination with PowerPoint, introduction to non-

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

Software: This class will use Adobe Acrobat, PowerPoint, SmartDraw, and Sanction II. Digital copies of the trial practice problems as well as a 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](http://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 Imwinkelreid's *Evidentiary Foundations* and the *Federal Rules of Evidence*. All exercises and trial materials will be scanned and provided to students during the semester.

Prerequisite courses: Evidence and Trial Advocacy I.