

TRIAL PRACTICE – COURSE EXPECTATIONS

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Fall Semester 2009

Thursdays, 6:00 p.m.-9:00 p.m.

Courtroom 180

1. **Grades:** The following factors will be taken into account: performance on in-class exercises; improvement over time; participation in class; thoroughness of preparation; final trial performance. Unexcused absences and/or tardiness will affect the grade.
2. **Attendance:** Attendance at all class sessions is expected. If you are ill or need to miss a class for any other reason, please call Judge Peterson or Mr. Johnson as soon as possible.
3. **Courtroom Etiquette.**
 - (A) **Dress.** Dress for court—coats and ties for men; skirts, dresses, or pant suits for women.
 - (B) **Food and Drink.** No food or drinks other than water are allowed in a courtroom.
 - (C) **Punctuality.** It is unacceptable to be late for court.
4. **Class Participation.**

This is a performance-based class. Each student will have an opportunity to participate in each class. You will perform as a lawyer, a witness, a judge, an objector, or as a juror offering feedback. Preparation of exercises is useful even if all are not performed.
5. **Assignments:** Reading and performance assignments are attached.
6. **Trial Observation.**

Each student should observe two hours of an actual trial and give a brief (3 minute) report at the next class. Sign up for your report date.
7. **Videos.** Each exercise you perform in class will be recorded. After your performance and a critique in class, you will watch yourself.
8. **Final Trials.** The conclusion of the course will be a mock trial. Details will be discussed later in the semester.
9. **HAVE FUN!**

TRIAL PRACTICE ASSIGNMENTS

Judge Bruce A. Peterson
Scott A. Johnson
Fall Semester 2009
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Courtroom 180

Week 1: September 10, 2009

Readings: Mauet, Chap. I (Trial Process, pp. 1-11); Chap. III (Jury Selection, pp. 31-60)

Class: Course introduction and themes.

Exercises: Introduction to Voir Dire

Week 2: September 17, 2009

Reading: Odd Numbers read Mauet, Chap. V (Direct Examination, pp. 97-168);
Even Numbers read Mauet, Chap. VII (Cross Examination, pp. 251-311).

Exercises: *Problems in Trial Advocacy*, Problems 3 & 4.
#1's prepare a direct examination of Gale Fitzgerald and prepare to serve as the witness Gale Fitzgerald (Problem 3).
#2's prepare a cross-examination of Gale Fitzgerald.
#3's prepare a direct examination of Kathryn McArthur and prepare to serve as the witness Kathryn McArthur (Problem 4).
#4's prepare a cross examination of Kathryn McArthur.

Week 3: September 24, 2009

Reading: Odd Numbers read Mauet, Chap. VII (Cross Examination, pp. 251-311);
Even Numbers read Mauet, Chap. V (Direct Examination, pp. 97-168).

Exercises: *Problems in Trial Advocacy*, problems 1 and 2.
#1's prepare a cross examination of Kenneth Brown (Problem 2).
#2's prepare a direct examination of Kenneth Brown and prepare to serve as the witness Kenneth Brown.
#3's prepare a cross examination of James Bier (Problem 1).

#4's prepare a direct examination of James Bier and prepare to serve as the witness James Bier.

Week 4: October 1, 2009

Reading: Mauet, Chap. II (The Psychology of Persuasion, pp. 13-29), Mauet, Chap. X (Objections, pp. 447-481), and the *Potter v. Shrackle* case file.

Exercises: Odd numbers prepare a direct examination of Marilyn Kelly and a cross examination of Shrackle.
Even numbers prepare a cross examination of Marilyn Kelly and a direct examination of Shrackle.

Week 5: October 8, 2009

Reading: Review Mauet, Chapters V & VII, and case file in *State v. Diamond*.

Exercises: Odd numbers prepare cross examination of Beth Kelly and a direct examination of Diamond.
Even numbers prepare a direct examination of Beth Kelly and a cross examination of Diamond.

Week 6: October 15, 2009

Reading: Mauet, Chap. VI (Exhibits, pp. 169-249).

Exercises: *Problems in Trial Advocacy*, problems 12 and 13 (photos), 17 (purse), 19 (bat and bottle), 22 (accident report), and 24 (letter and phone log). Prepare to act as counsel offering the exhibits for each problem. Prepare also to serve as witnesses and as opposing counsel.

Week 7: October 22, 2009

Reading: Mauet, Chapter VII, section 7.7 (Impeachment, pp. 277-303). Read the impeachment and rehabilitation materials on pages 19-20 of *State v. Diamond*, Section One.

Exercises: *Problems in Trial Advocacy*, problems 28 and 35
#1's prepare a cross examination and impeachment of James Taylor (problem 28).
#2's prepare a cross examination and impeachment of Erica Klein (problem 28).

#3's prepare a cross examination and impeachment of Robert Horrigan (problem 35).

#4's prepare a cross examination and impeachment of Mary Colson (problem 35).

Week 8: October 29, 2009

Exercises: Choose one witness from *Potter v. Shrackle* and one witness from *State v. Diamond* (please do not choose witnesses we have used already or will use next week: Marilyn Kelly, Charles Shrackle, Beth Kelly, James Diamond, and the experts), and prepare one direct examination involving the use of at least one exhibit and one cross examination.

Week 9: November 5, 2009

Reading: Mauet, Chap. VIII (Experts, pp. 313-386)

Exercises: #1's Prepare a cross examination of Dr. Elizabeth Buchanan (*Potter v. Shrackle*), prepare a direct examination and a redirect examination of Dr. James Pierce (*State v. Diamond*), and prepare to serve as the witness.
#2's prepare a cross examination of Dr. James Pierce (*State v. Diamond*), prepare a direct examination and a redirect examination of Dr. Robert Glenn (*Potter v. Shrackle*), and prepare to serve as the witness.
#3's prepare a cross examination of Dr. Robert Glenn (*Potter v. Shrackle*), prepare a direct examination and a redirect examination of Dr. Elizabeth Buchanan (*Potter v. Shrackle*), and prepare to serve as the witness.
NOTE: #4's will be reassigned as #1, #2, or #3 for this exercise.

Week 10: November 12, 2009

Reading: Mauet, Chap. IV (Opening Statements, pp. 61-95)

Exercises: Prepare a 5-minute opening statement for either side in *State v. Diamond* or *Potter v. Shrackle*.

Week 11: November 19, 2009

Reading: Mauet, Chap. IX (Closing Arguments, pp. 387-445)

Exercises: Prepare a 7-minute closing argument for either side in *State v. Diamond* or *Potter v. Shrackle*.

TRIAL OBSERVATION REPORTS

SEPT. 17 _____

24 _____

OCT. 1 _____

8 _____

15 _____

22 _____

29 _____

NOV 5 _____

12 _____

19 _____
