

**INTRODUCTION TO TRIAL ADVOCACY**  
**COURSE REQUIREMENTS & SYLLABUS**  
**SPRING 2024**

**METHODOLOGY:**

The Trial Advocacy Program’s methodology may be described as a “controlled simulation clinic”. It is based on practical instruction, “learning-by-doing” and obtaining constructive feedback from your instructors and classmates. Some of the characteristics of this approach are as follows: (1) what you do in the classroom is perceived as realistic and relevant; (2) students will perform in public; (3) students are responsible for their own learning – responsibility cannot be shifted; (4) students feel safe, however, this should not be equated with the instructors being “nice to you” – instead, their comments will be directed at your presentations, not you as a person; (5) the program is supportive –everyone is in the same boat, doing the same thing – further, you are expected to make mistakes and others will make mistakes as well; (6) learning occurs in a collaborative setting; and (7) learning is incremental.

**REQUIRED COURSE MATERIALS:**

1. Text: *Modern Trial Advocacy: Analysis & Practice*, Steven Lubet & J.C. Lore (6<sup>th</sup> Ed., 2021). Available at the Barnes & Noble Bookstore on main campus as well as through the National Institute of Trial Advocacy (NITA). Because we are cognizant of financial issues, you are free to buy an earlier version of this book as a cost-saving measure. We will make clear what chapters in the earlier versions correspond to the assigned readings.
2. Additional assigned reading materials as well as fact patterns to be used in class will be available for download on Canvas.

**ATTENDANCE, PARTICIPATION, AND GRADING POLICY:**

Because this is an experiential course, meaning that much learning will take place by participation in in-class exercises and role plays, class attendance is a fundamental component of this course. Accordingly, **prepared attendance at, and participation in, all class sessions, is required**. Unplanned unavoidable absences, for illness or family emergencies, or similar reasons, may be excused but will be subject to make-up requirements. Other absences will generally not be excused. Consequently, more than one unexcused absence will lead to a grade of unsatisfactory. You are expected to be able to participate fully for all class sessions, unless you notify both professors by email or in person in advance of class that you will be absent or unprepared.

Grading will consider your attendance and a combination of your preparedness for your assigned in-class performances, your participation during in-class discussions, your performance during the final trial, and your mastery of fundamental skills. Those fundamental skills include incorporating case theory into all trial role performances, asking open-ended questions on direct examination, asking leading questions on cross-examination, impeachment by prior inconsistent statements, refreshing recollection, and introducing an exhibit. Your professor will consider your ability to incorporate feedback into your performances as the semester progresses in their determination of your grade.

When you are not participating as an attorney during class, you are a juror and are expected to comment and critique. Failure to prepare and fully participate diminishes the value of the class for all students.

During the first ITA class meeting, your professor will assign you a letter and number designation of A1-6 and B1-6. These letter & number designations will apply throughout the semester for your assignments.

## **FINAL TRIALS:**

Final Trials will be held at an agreed upon location between students and professors (i.e., some professors have access to a courthouse whereas others may hold the final trials at the law school facilities or potentially via Zoom if the need arises) between April 15-29, 2024 and last approximately 3 hours. Your professor and/or class assistant will coordinate the times of the final trials based on your availability as well as theirs. You will be paired with one other student from the class and assigned to either the prosecution or the defense. The final trial case file is *Lone Star v. Stevie Tyler* which can be found on Canvas. All students must also be available for witness assignments for your colleagues during their final trials.

## **DISABILITY POLICY:**

Any student who has a need for accommodation based on the impact of a disability should contact the Office of the Dean for Students at 215-204-1280 in 100 Ritter Annex to coordinate reasonable accommodations for students with documented disabilities.

## **ACADEMIC FREEDOM POLICY:**

Freedom to teach and freedom to learn are facets of academic freedom. The University has a policy on Student and Faculty and Academic Rights and Responsibilities (Policy #03.70.02) which can be accessed through the following link: [http://policies.temple.edu/getdoc.asp?policy\\_no=03.70.02](http://policies.temple.edu/getdoc.asp?policy_no=03.70.02)

## **ABA §310 COMPLIANCE:**

This course complies with ABA standard 310, which requires that students spend on average at least two hours engaged with the material outside of class for every hour of class. Accordingly, the assigned readings and videotaped lectures that are accessed outside of the performance section class hours are designed with that requirement in mind, taking into account the time you spend reviewing material and preparing for your final trials.

## **COURSE OUTCOMES AND ASSESSMENTS:**

<b>Outcomes</b>	<b>Assessments</b>
Students will develop the skills necessary to present an effective opening statement, direct and cross-examination, and closing argument during a criminal trial.	In-class simulation exercises. Skill drills. Final mock trial.
Students will understand the process for developing a case theory and persuasive narrative for a criminal case.	In-class simulation exercises. Final mock trial.
Students will develop an understanding of the techniques and strategies for effective oral presentations of information.	In-class simulation exercises. Final mock trial.
Students will become familiar with identifying evidentiary issues during trial and addressing those issues through objections and responses to objections.	In-class simulation exercises. Final mock trial.

# SYLLABUS

## WEEK 1 (JANUARY 16 for Tuesday Sections; JANUARY 22 for Monday Sections):

### Prepare for Class:

- Watch video on the [Basics of Direct - Examination](#)
- Watch video [“Cross Examination – the Big Picture”](#)
- Download and read [Vignette #1](#) (Darrien Williams bicycle accident)
- Read [Student Memo for more Guidance about the First Class](#)
- Read Chapter 1: Case Analysis and Storytelling, Chapter 4: Direct Examination
- Prepare mini direct of Darrien Williams in Vignette #1. Examinations should be no longer than 15 questions.

**REQUIRED ADDITIONAL ASSIGNMENT:** You are required to act as a juror for the Temple LL.M. program either on Friday, February 16, 2024 or Sunday, February 18, 2024 OR as a witness for the National Trial Competition Regional competition the weekend of February 2-4, 2024. If you choose to be a witness, sign up for your preferred time slot at this [LINK](#) by Monday, January 22, 2024. If you choose to be a juror for the LL.M., be sure to sign up for your preferred time slot by Monday, January 29th at [THIS LINK](#). If these dates do not work for you, contact Professor Marian Braccia directly at [mbraccia@temple.edu](mailto:mbraccia@temple.edu).

### In-Class Performance:

- Each student will perform a mini direct of Darrien Williams.
- Collectively, the class will brainstorm a cross-examination of Darrien Williams.
- Before the end of Class 1, instructors will divide students into A and B groups and will assign each student a number (1-6) to guide assignments in future weeks.

## WEEK 2 (JANUARY 23 for Tuesday Sections; JANUARY 29 for Monday Sections):

### Prepare for Class:

- Read Chapter 5: Cross Examination
- Download and read [State v. Cut-Rate Liquor](#)
- Read student memo on [Direct and Cross examination for the Cut-Rate file](#)
- Watch [Basics of Cross - Examination](#)
- Based on A/B assignments, students will prepare a either prosecution direct or defense cross examination of Investigator James Bier in the *State v. Nita Liquor* case.

**REQUIRED ADDITIONAL ASSIGNMENT:** You are required to act as a juror for the Temple LL.M. program either on Friday, February 16, 2024 or Sunday, February 18, 2024 OR as a witness for the National Trial Competition Regional competition the weekend of February 2-4, 2024. If you choose to be a witness, sign up for your preferred time slot at this [LINK](#) by Monday, January 22, 2024. If you choose to be a juror for the LL.M., be sure to sign up for your preferred time slot by Monday, January 29th at [THIS LINK](#). If these dates do not work for you, contact Professor Marian Braccia directly at [mbraccia@temple.edu](mailto:mbraccia@temple.edu).

### In-Class Performance:

- As present a direct examination of Investigator Bier.
- Bs present a defense cross-examination of Investigator Bier.

- 1 & 2 use a case theory that there was no sale of alcohol.
- 3 & 4 use a theory that Jones could not have known whether Watkins was drunk.
- 5 & 6 use a theory that Watkins wasn't drunk when the sale was made

**WEEK 3 (JANUARY 30 for Tuesday Sections; FEBRUARY 5 for Monday Sections):**

**Prepare for Class:**

- Watch [“The Trial: Its Components and Functions; Case Theory & Analysis”](#)
- Optional: Watch the [Final Trial of the 2020 online Fordham Law School Mock Trial Competition on YouTube](#)
- Read student memo on [Direct and Cross examination for the Cut-Rate file](#)
- Read Chapter 2: Trial Tools (read through to Section 2.3)
- Read Chapter 3: Persuasion Theory (read through to Section 3.4.1)
- Read Chapter 6: Advanced Cross (read through to Section 6.5.3)

**REQUIRED ADDITIONAL ASSIGNMENT:** If you are not a witness for the regional competition, you are required to act as a juror for the Temple LL.M. program either on Friday, February 16, 2024 or Sunday, February 18, 2024. Be sure to sign up for your preferred time slot by Monday, January 29th at [THIS LINK](#). If these dates do not work for you, contact Professor Marian Braccia directly at [mbraccia@temple.edu](mailto:mbraccia@temple.edu).

**In-Class Performance:**

- Bs present a direct examination of Dan Jones.
  - 1 & 2 use a case theory that there was no sale of alcohol.
  - 3 & 4 use a theory that Jones could not have known whether Watkins was drunk.
  - 5 & 6 use a theory that Watkins wasn't drunk when the sale was made
- As present a prosecution cross-examination of Dan Jones.

**WEEK 4 (FEBRUARY 6 for Tuesday Sections; FEBRUARY 12 for Monday Sections):**

**Prepare for Class:**

- Watch [The Opening Statement](#)
- Watch [Prosecution Opening Statement on You Tube 4:10 – 12:31](#)
- Watch [Defense Opening Statement on You Tube 19:35 – 28:16](#)
- Download and read [James Alan Page casefile](#)
- Read student memo on [Opening Statements and Case Theory](#)
- Read Chapter 12: Opening Statements (read through to Section 12.6)
- All students will prepare an opening statement based on the James Page casefile

**REQUIRED ADDITIONAL ASSIGNMENT:** If you are not a witness for the regional competition, you are required to act as a juror for the Temple LL.M. program either on Friday, February 16, 2024 or Sunday, February 18, 2024. Be sure to sign up for your preferred time slot by Monday, January 29th at [THIS LINK](#). If these dates do not work for you, contact Professor Marian Braccia directly at [mbraccia@temple.edu](mailto:mbraccia@temple.edu).

**In-Class Performance:**

- As prepare a defense opening statement on behalf of James Page
- Bs prepare a prosecution opening statement against James Page

**WEEK 5 (FEBRUARY 13 for Tuesday Sections; FEBRUARY 19 for Monday Sections):**

**Prepare for Class:**

- Watch [Using Exhibits video](#)
- Review [Litanies on Basic Skills](#)
- Read [student memo on Exhibit Problems](#)
- Read Chapter 10: Foundations and Exhibits (read through to Section 10.6)

**In-Class Performance:**

- All students will move to admit two exhibits.
- All students should be prepared to challenge the admissibility of all exhibits.
- As represent the defense
- Bs represent the prosecution
- Using the litanies in either leading (on cross-examination) or non-leading (direct-examination) form, each student will move to admit:
  - map drawn by the defendant
  - gym bag recovered from the defendant
  - medical records
  - text message
  - Facebook post
  - screwdriver
- As introduce the diagram of the neighborhood through the direct examination of James Page and the Facebook post through the cross-examination of Ann Halen
- Bs introduce the photographs found on pages 37 & 38 through the direct examination of Officer Ozbourne and the screwdriver through the direct examination of Officer Lee Roth

**WEEK 6 (FEBRUARY 20 for Tuesday Sections; FEBRUARY 26 for Monday Sections):**

**Prepare for Class:**

- Watch Lecture & Demonstration video on [Impeachment and Refreshing Recollection](#)
- Review [Litanies on Basic Skills with emphasis on Refreshing Recollection](#)
- Read student memo on [direct and cross-examination of Leslie Plant and Officer Ozbourne](#)
- Read Chapter 4: Refreshing Recollection
- Read Chapter 9: Objections (read through to Section 9.4.2.17)

**In-Class Performance:**

- All students will refresh recollection once during their exam.
- Bs 1-3 present prosecution direct examination of Leslie Plant
- As 1-3 present defense cross-examination of Leslie Plant
- Bs 4-6 present prosecution direct examination of Officer Ozbourne
- As 4-6 present defense cross-examination of Officer Ozbourne

**WEEK 7 (FEBRUARY 27 for Tuesday Sections; MARCH 11 for Monday Sections):**

**Prepare for Class:**

- Watch [“Be an Evidence Boss” video](#)
- Review [Litanies on Basic Skills with emphasis on structure of objection responses](#)
- Read student memo on [direct and cross-examination of James Page & Edward Vedder](#)
- Read Chapter 9: Objections (read through to Section 9.4.2)
- Read Chapter 10: Character and Reputation

**In-Class Performance (recorded class):**

- As 1-3 present defense direct examination of James Page
- Bs 1-3 present prosecution cross-examination of James Page
- As 4-6 present defense direct examination of Edward Vedder
- Bs 4-6 present prosecution cross-examination of Edward Vedder

*After this week’s class, your professor will meet with each student individually to review the video of your performance. All class videos will be recorded on Zoom and available under “Class Recordings” of the Zoom tab. When you schedule your individual review with your professor, please include the recording timestamp from the start of your performance. Individual student meetings will take place at a time that does not conflict with any other student classes.*

**WEEK 8 (MARCH 4): HAPPY SPRING BREAK!!**

**WEEK 9 (MARCH 12 for Tuesday Sections; MARCH 18 for Monday Sections):**

**Prepare for Class:**

- Watch free National Institute of Trial Advocacy (NITA) webinar “Liar Liar Pants on Fire.” To do so, register for a free account at this website <https://www.nita.org/s/product/liar-liar-pants-on-fire-impeachment-tools-strategies-and-techniques/01t4W00000DAQx1QAH>
- Review [Litanies on Basic Skills with emphasis on impeachment litany](#)
- Read [student memo on Impeachments](#)
- Read Chapter 6: Impeachment
- Read Chapter 7: Redirect and Rehabilitation (read through to Section 7.5.2)

**In-Class Performance:**

- All students will impeach the witness once during their cross-examination.
- Bs 1-3 present prosecution cross-examination of Earvin Jordan and redirect of Anne Halen
- Bs 4-6 present prosecution cross-examination of Earvin Jordan and redirect of Officer Roth
- As 1-3 present defense cross-examination of Anne Halen and redirect of Earvin Jordan
- As 4-6 present defense cross-examination of Officer Roth and redirect of Earvin Jordan

**WEEK 10 (MARCH 19 for Tuesday Sections; MARCH 25 for Monday Sections):**

**Prepare for Class:**

- Watch [Expert Witness video](#)
- Read [student memo on Drug Expert Problem](#)
- Download and read [Lab Report](#) and [Forensic Expert CV](#)
- Read Chapter 8: Expert Testimony (read through to Section 8.7.3)

**In-Class Performance:**

- All students will examine a real chemist from the Philadelphia Office of Forensic Science. A CV for the expert assigned to each ITA section will be provided in advance of class.
- Bs present prosecution direct examination of the chemist
- As present defense cross-examination of the chemist

**WEEK 11 (MARCH 26 for Tuesday Sections; APRIL 1 for Monday Sections):**

**Prepare for Class:**

- Download and read [United States v. Stevie Tyler casefile](#)
- Watch the [Closing Argument video](#)
- Read [student memo on Closing Arguments](#)
- Read Chapter 13: Closing
- As prepare the prosecution closing and Bs prepare the defense closing. A's should be prepared to also provide a brief (1-2 minute) rebuttal argument.

**In-Class Performance:**

- All students will present a 7-10-minute closing argument in *United States v. Stevie Tyler*.
- As present prosecution closing.
- Bs present defense closing.
- As should also be prepared to present a brief (1-2-minute) rebuttal to the defense closing.
- At the end of the arguments, each side will discuss the following:
  - Prosecution side will discuss which prosecution theme and approach worked the best and which defense approach they think is vulnerable, and why.
  - Defense side talks about which defense theme and approach worked and which prosecution side theme they think is vulnerable, and why.

**WEEK 12 (APRIL 2 for Tuesday Sections; APRIL 8 for Monday Sections):**

**Prepare for Class:**

- Watch [Performance and Persuasion](#)
- Watch [Counsel Table Behavior](#)
- Read student memo about [Witness Examination Workshop](#)
- Each student should prepare a direct or cross examination of a witness they will be handling for the final trial (it is the student's choice which examination they would like extra help with for purposes of this class)

**In-Class Performance:**

- Students will be paired with their final trial co-counsel
- Prosecution students (As) attend the first half of class; Defense students (Bs) attend the second half of class
- Each student should come to class prepared to conduct a direct or cross examination of their choice of a witness they will conduct during the final trial

**WEEK 13 (APRIL 9 for Tuesday Sections; APRIL 15 for Monday Sections):****Prepare for Class:**

- Watch the [Persuasive Advocacy Through Motions in Limine video](#)
- Read [student memo on Motions in Limine](#)
- Read Chapter 10: Evidentiary Foundations (read through to Section 10.2.3.6)
- Each final trial team must put their opposing team on notice as to any pre-trial motions they intend to argue no later than three (3) calendar days before class. In doing so, you should cc: your professor. Additionally, prosecution teams must inform their respective defense opponents which charges they are pursuing.

**In-Class Performance:**

- All students will argue pretrial motions in limine for their side of the final trial and receive rulings from their professor.
- By class time this week, all students must provide the names and email addresses of individuals playing the role of witnesses for final trials.

**FINAL TRIALS: (APRIL 15 – 29 for Tuesday Sections; APRIL 16 – 29 for Monday Sections):**

ITA classes will not meet these weeks. Instead, final trials will be held. Final trial schedules will be posted on Canvas when confirmed.

**Each student is expected to provide one witness and one juror to the final trial.**