**ACCELERATED TRIAL ADVOCACY**

**TADR 401**

**May 15 – 24, 2023**

**Lectures: GOLDBERG Courtroom**

**Small Group Rotations – See Grid TBD**

**FACULTY**

Students rotate through lectures and small groups taught by a team of instructors.

**Prof. Kelly Navarro** UIC Law Director of Trial Advocacy and Dispute Resolution Programs

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**Prof. Carlos Concepcion** Inter-American University School of Law - Professor

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**Hon. Anna Demacopoulos** Cook County Circuit Court - Chancery Division

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**Hon. Al Maldonado**  Cook County Circuit Court - Criminal Division

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**Prof. Vicki Peters** UIC Law Trial Team Coach, Former AUSA

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 **Hon. James E. Shadid** U.S. District Court – Central District of Illinois

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**PREREQUISITES**

Students must have finished their first year of study and have completed Evidence to take this course.

**GOALS OF THIS PERFORMANCE BASED COURSE**

Students develop trial advocacy skills that are relevant to every law-related career track, including those thought of as transactional specialties. At its core, trial advocacy involves the art of demonstrating to another that your client has a meritorious position. In a courtroom, that demonstration occurs within a highly structured and adversarial setting. This course allows students to apply their knowledge of evidence in mock exercises and in a trial to push students to think on their feet.

Unlike a doctrinal course that focuses on the study of cases and legal theory, in this performance-based course, the goal is to learn by doing. Trial advocacy skills cannot be learned by reading or by listening to lectures about them. Like learning to ride a bike, you must just do it to learn it. To learn the skills quickly, you must read about them, we will explain them to you, and then you will perform the skill. We suggest you practice the skill for the day aloud prior to coming to class.

The syllabus lists a daily series of exercises and, unless otherwise specified, each student must be prepared to conduct all exercises assigned for that day. Each student may be called upon to play the role of a witness in any of the exercises and must have mastery of the facts for each problem. **Before** the first day of class, students **MUST read all of the assigned chapters in *Mauet*, read and master the facts in all of the assigned problems and cases, and review the Federal Rules of Evidence**. It will be true that you will read and we will teach the same material you will find in *Mauet*, but it takes time to sink in so please read the material beforehand.

The faculty is impressive and the course has a record of proven success. So throw yourself into it and get the most out of an extraordinary educational opportunity. Enjoy the process!

**STUDENT LEARNING OBJECTIVES**

Students are expected to be familiar with all learning objectives (see separate document Learning Objectives) prior to the course and to refer to the learning objectives while preparing exercises.

**INSTRUCTIONAL MATERIALS**

**Required Text**: Mauet, Trial Techniques and Trials (any recent version)

**Learning Objectives**: See separate document entitled, Learning Objectives.

**Selected Problems**: Provided to students. See separate document entitled, Selected Problems.

**Case File**: Provided to students. See separate document entitled, Jordan v Knight Property.

**Federal Rules of Evidence (FRE)**: Print a copy of the FREs using one of the following online sources:<http://federalevidence.com/>,<https://www.law.cornell.edu/rules/fre> or<http://www.jdsupra.com/documents/757d4967-292b-4ff3-a799-f82c6abf583a.pdf>.

**MEETING TIMES AND FINAL TRIALS**

The course begins with a half-day lecture. Thereafter, classes consist of simulated trial exercises and lectures. Breaks occur at the discretion of the teaching faculty. The course culminates with the final jury trials held the last two evenings of this course.

**GRADING**

The final grade is based upon the student’s performance on daily exercises (80%) and the final trial (20%) as assessed by the teaching faculty. The faculty will monitor each student’s daily progress and formulate a grade for each exercise. Absences from class or lecture will also be a factor in determining the final grade. Preliminary grades may be viewed by appointment with Prof. Navarro on Tuesday 5/24.

**DRESS CODE**

For the days students are conducting exercises, students are required to wear casual business attire. For the final trials, students should wear a business suit.

**ATTENDANCE**

This course is condensed and the learning experience is effective only when students are present for the entire course. Students who miss an exercise in class will receive an F for that exercise. Attendance for every breakout session and lecture will be taken and a student absent for more than 25-percent of the total number of class meetings will receive a grade of WF (withdraw-fail). In truly exceptional circumstances, including religious observances, a student may petition in writing and state good cause why this policy should be waived. The granting of waivers is discretionary and must be approved by the Program Director and the Vice Dean for Academic Affairs.

**SPECIAL ASSISTANCE**

Disability Policy: If you require reasonable accommodations under the Americans with Disabilities Act (ADA) email the Accommodations and Title IX Coordinator, at disabilityservices@jmls.edu. The law school’s disability policy is located at www.jmls.edu/policy/pdf/student/disability-policy-procedures.pdf. Please make arrangements for any accommodations as early in the semester as possible.

 **VIDEO RECORDING**

You may record classes with prior **written** authorization **only**. Students may not share or distribute lectures given or recorded by faculty, students may not post any content from this course on social media or elsewhere. Students may not record other students.

**ASSIGNMENTS - ADVANCED PREPARATION IS ESSENTIAL**

As stated above, students MUST read all assigned chapters in the text (Mauet), learning objectives, selected problems, the case file, and the Federal Rules of Evidence prior to the first day of class. All lectures and assignments assume that students are familiar with the materials and facts of each case. During the evenings, students are expected to prepare the exercises for the next day and will not have time to master the facts if reading the material for the first time.

**Each student is expected to spend two hours of out of class preparation for each required hour of class.** While this is a 3-credit class requiring a minimum of 37.5 hours of direct faculty instruction, this course offers more than 50 hours of direct faculty instruction in compliance with ABA Standard 310 (1 credit hour corresponds at least 1 hour of classroom or direct faculty instruction and 2 hours of out-of-class student work/week for 15 weeks, or the equivalent amount of work over a different time period.)

**DAILY SCHEDULE OF CLASSROOM EXERCISES AND LECTURES**

During lectures all students meet together, and for breakout groups, students will be assigned to small groups and will rotate through instructors. A grid will be provided to students on the first day of class indicating student group letters, and rotation schedules.

**SENSITIVE CONTENT OF CERTAIN PROBLEM SETS**

The problems we use simulate those normally seen in court and are sometimes of sensitive or violent nature. If you’d like to discuss this issue prior to the beginning of the course, reach out to Kelly Navarro.

**DAILY SCHEDULE OF CLASSROOM EXERCISES AND LECTURES**

**Tuesday, May 9 at 5:00**

Non-required, voluntary course orientation at: <https://uic.zoom.us/my/kellynavarro>.

**Monday, May 15 In-Person Group Lecture from 1:00-4:00**

Through lectures, students will receive an overview of the course and rotation assignments. Students will learn the basics of advocacy and trial practice, the basics of a direct examination and how to deal with a forgetful witness. ***Live Lecture by Hon. Anna Demacopoulos***

Pre-recorded 30-minute lecture to view either in the morning or in the evening: ***Start with Jury Instructions* *(Judge Maldonado)***

**Tuesday, May 16**

While working in small groups, students perform basic, structured direct examinations that are clear and logical using open ended, non-leading questions. Students discuss issues for cross examination and begin to understand how to test memory/credibility/ability to observe. Students are not required to enter exhibits, but must be prepared to discuss how exhibits may be helpful.

9:00am – 12:00pm Direct Examinations Celine Slipper and David Valdez in Celina Slipper v. Corner Market; Direct Examinations of Alex McDonald U.S. v. Erickson

1:00pm – 3:00pm Direct Examinations of Stephanie Callas, Elena Pantel, and Colleen Murphy in Callas v. Murphy.

 Direct Examinations of Arthur Holt in Holt's Coins v. Bonded Movers

3:00pm – 4:00 pm ***Live Lecture: Cross Examination by Prof. Carlos Concepcion***

Pre-recorded 45 min lecture to be viewed in the evening: ***Making and Meeting Objections by Judge Shadid***

**Wednesday, May 17**

Students conduct direct and cross examinations and learn to lay foundations for conversations and exhibits. Students learn to make and meet objections.

9:00 – 10:00 am ***Live Lecture: Authentication, and Laying a Foundation for Exhibits and Conversations by Professor Concepcion***

10:15am – 12:30pm Direct and cross examinations of: Joe Porter in State v. Jones (Ability to observe/enter exhibits) and Pat Smalley in State v. Themis (Ability to Observe.)

 Group discussion about jury instructions in Malzone and Themis.

1:30pm – 3:30pm Direct and cross examinations of Allen Camp in State v. Malzone. Direct and cross examinations of Debbie Martin in Martin v. Wayne using a diagram.

Pre-recorded 45 min lecture to be viewed in the evening: **Storytelling by *Grant Rost***

Assignment: Students must prepare an outline of a closing argument in Jordan v Knight and submit via email to Kelly Navarro at navarrok@uic.edu. This pass/fail assignment is due at midnight.

**Thursday, May 18**

Students conduct direct examinations and practice laying foundations for conversations. On cross examination students, should raise applicable objections. Students begin working with the Jordan v Knight Property case and must come prepared with an outline of a closing argument. Students learn how to impeach a witness.

10:00am – 12:00pm Direct and cross of Quinn Larson in Larson v. Best Ever Homes and of Bill Taylor in Taylor v. Active Tools. Plaintiff should try to put the Facebook post into evidence and the defense should object.

1:00pm – 3:45pm Begin working with Jordan v Knight Property: In-class discussion about the theory of the case and how to prepare directs and crosses with the closing argument in mind. Direct and cross examination of plaintiff witness Taylor Williams in *Jordan v Knight Property,* using exhibits.

4:00pm – 4:45pm ***Live Lecture: Impeachment: Attacking the Witness's Credibility by Prof. Peters***

 ***Live Lecture: Final Trials and Assignments by Prof. Navarro***

**Friday, May 19**

Students continue to conduct direct and cross examinations. The lectures address motions in limine and motions for a directed finding, stipulations, experts, and final trial assignments and instructions.

9:00am – 12:00pm Direct and cross examination of plaintiff witness Pat Murphy using exhibits.

1:00pm – 3:00pm Direct and cross examination of defense witness Alex Rios using exhibits.

3:15pm – 4:00pm ***Live Lecture: Motions in Limine, Motions for a Directed Finding and Stipulations by Prof. Maldonado***

Pre-recorded 1 hour optional lecture: ***Expert Witnesses by Prof. Hugh Mundy*** *(Posted on Blackboard,* may be viewed at any time during the course.)

**Saturday, May 20**

Students continue to conduct examinations; the lecture addresses opening statements.

10:00am – 12:00pm Direct and cross examination of the defendant Morgan Knight.

1:00pm – 2:00pm Make and argue a motion for a directed finding. Prepare and enter a stipulation. Discuss possible motions in limine.

2:15pm – 3:00pm ***Live Lecture: Opening Statements by Judge Maldonado***

**Sunday, May 21**

Students perform an opening statement; the lecture addresses closing arguments.

11:00am – 12:00pm Argue a motion in limine and begin opening statements if time permits

12:30pm – 2:15pm Opening Statements in *Jordan v Knight Property*

2:30pm – 3:30pm ***Live Lecture: Closing Arguments by Carlos Concepcion***

**Monday, May 22**

Students perform a closing argument, the lecture addresses selecting a jury.

9:00am – 11:00am Closing Arguments in *Jordan v Knight Property*

1:00pm – 3:00pm Class discussion about jury selection/instructions, then instructor to make specific assignments based on student requests/needs case run through and additional practice with the instructor, time to record an opening or close for the assignment due at midnight, or make-up work.

Pre-recorded 1 hour lecture: *Jury Selection (Judge Shadid: Posted on Blackboard, may be viewed at any time during the course.)*

Assignment: After delivering and receiving feedback on your open or close, re-deliver and record yourself (using your phone or zoom.) Watch your performance and write a critique (do not submit the video.) Determine if your message is landing and look to improve your delivery and content. Refer to the learning objectives and discuss anything you observed, such as: your theme and theory and how well they came through, content organization, effectiveness of delivery, or any other thoughts or observations. You may ask a non-lawyer to watch your video and to incorporate their feedback into your critique. There is not a form, submit your critique in a word document or body of an email. This pass/fail assignment has a max of 500 words and is due by midnight 5/23 via email to Kelly Navarro.

**Tuesday, May 23 and Wednesday, May 24 5:30pm – 8:30pm**

Each student must participate in two trials: one as a trial attorney and the other as a witness as assigned by the Director. Students are also graded on their performance as a witness. Students should reserve daytime hours to prepare by: reviewing lectures, preparing witnesses to testify, and discussing trial strategy with co-counsel. Students are encouraged to invite friends and family to sit on the jury.