**Trial Advocacy**

**TADR 400-44605 (3 credit hours)**

**Adjunct Professor Mark Solock**

**Fall 2023**

**SYLLABUS**

**Overview:** In this course you will learn skills that are necessary for effective presentation to a trier of fact. You will not only learn trial strategy but you will become more confident speaking in front of others and thinking on your feet. You will learn how to conduct effective direct and cross examinations, how to lay foundations for exhibits, and how to prepare and give effective arguments. We will discuss trial preparation, motions in limine, strategy and ethical issues relating to trial practice. In sum, this course will provide you with what I hope will be a rewarding experience in which you will learn not only the science but the art of trial advocacy.

Each class will consist of a lecture on the various topics described in the syllabus below. The reading that is assigned for each week must be completed by the date of the particular class session. In each class students will act as an advocate and present the skills listed in each week's assignment. If you are assigned to act as an advocate for a particular problem, you will also be expected to play the role of the witness. The problems will be assigned each week and will be performed in class the following week. You will be graded on your performance each week, including your performance as a witness. Preparation for being an advocate and a witness are both crucial. This is a class where you will learn not only by listening but by doing.

The course requires weekly participation. Accordingly, preparation each week is essential and absences may adversely affect your grade. As is evident from the syllabus, some weeks require more reading than others. Given the amount of material we will be covering in the course it is important that you stay current on all assigned work. Note that the length and complexity of each week's assignment varies -- please be sure to plan your schedule accordingly.

This class is scheduled as an “ONCAM” (On-Campus) class and meets 9 a.m. until 12 p.m. in Room 1100 from Aug 23, 2023 – November 15, 2023. In-person attendance at on-campus class meetings is required unless alternative arrangements have been approved in writing by the Dean. Exceeding the maximum permitted number of absences for this class will result in a grade of WF.

# Instructor

Mark Solock

Telephone: (312) 504-9008

We will also communicate through the REMIND anonymous texting app.

E-mail: msolock@uic.edu

Since I do not have an office in the law school, I do not have traditional office hours. I am available to meet with students immediately before or after class and am always available by email, text, REMIND or Zoom.

**Texts/Materials:** \* Students may use any edition of the texts.

Trial Techniques and Trials 10th Edition, Thomas A. Mauet (ISBN–978-1-4548-8653-2)

Materials in Trial Advocacy: Problems and Cases, Thomas A. Mauet and Warren Wolfson (Eighth Edition) ISBN 978-1-4548-5203-2

Federal Rules of Evidence

**Assignments:** Given the amount of material that we will be covering in the course, it is imperative that you stay current on all assigned work. The length and complexity of each weekly assignment will vary based on the covered topic. Be sure to plan your schedule accordingly.

**Grading criteria:** Final grades will be determined by a student’s weekly class performance (80%) and final trial performance (20%). In the weekly classes and in the final trial, students will be evaluated on their level of preparation, as a trial attorney and as a witness, as well as the overall effectiveness of the presentation. A grade will be assessed to each student’s performance after each class. Absences will be a factor in determining the final grade. Final trials will be held on the last two meetings of class. Each student will participate as a trial attorney and as a witness.

**Expected Workload:** Under ABA Standard 310, students are expected to spend at least two hours outside class preparing for each hour spent in class. Out-of-class work may include activities such as reading, reviewing, studying, outlining, or otherwise working on material and assignments for class.

**Attendance:** Attendance is mandatory. A student who misses a class will receive an F for that session. A student who leaves half-way through class will be credited with attending a half-class. In exceptional circumstances, such as religious observances or severe illnesses, a student may petition in writing and state good cause why the attendance policy should be waived. A student absent for more than 25% of the total number of classes meetings will receive a grade of WF (withdraw/fail).

**Academic Integrity:** As an academic community, UIC is committed to maintaining an environment in which research, learning, and scholarship can flourish and in which all endeavors are guided by academic and professional integrity. All members of the campus community – students, staff, faculty, and administrators – share the responsibility of insuring that these standards are upheld so that such an environment exists. Instances of academic misconduct by students are governed by law school policies on academic integrity and professional misconduct as well as by the UIC Student Disciplinary Policy. Additional information may be found at https://law.uic.edu/policy/.

**Disability Accommodations:** UIC Law is committed to maintaining a barrier-free environment so that individuals with disabilities can fully access programs, courses, services, and activities at UIC. Students with disabilities who require accommodations for full access and participation in UIC programs must be registered with the DRC.

**Video recording:** Unauthorized video/audio recording of any class lecture is not permitted. No content from this course may be posted on the internet or social media.

**Learning Objectives:**

Understand goals and strategies of jury selection; Prepare and present pre-trial motions in limine and know their strategic importance; Prepare for trial by reviewing jury instructions which explain the law controlling the case; Know the difference between an opening statement and a closing argument; Develop a theme and legal theory of a case, and incorporate that theme and theory into your opening statement, direct and cross-examinations, and closing argument; Identify strengths in your case and how to present your strongest case to a jury; Identify weaknesses in your case and how to develop a strategy to best address them; Present an organized and effective direct-examination; Lay a proper foundation for exhibits and how to use exhibits during trial and in closing; Cross-examine a witness using leading questions designed to elicit testimony and to attack the witness’s credibility and credibility of other witnesses; Make and strategically use evidentiary objections; Understand expert witness testimony; and deliver effective openings statements and closing arguments without reliance on notes.

**Prerequisites:** All first year required courses plus evidence.

**Semester Schedule**

**We will be discussing the following Federal Rules of Evidence during**

**the semester so familiarize yourself with these rules:**

**Rules 101-103, Rules 401-406, Rules 501-502, Rules 601-602, 607-615, 701-705,**

**801-807, 901-903**

**Week 1**:  August 23, 2023

Introduction to Course; course expectations; the trial process from start to finish; the psychology of persuasion; basics of direct examination.

 Read: Mauet, Chapters 1 and Chapter 2

**Week 2**: August 30, 2023

Direct Examination and Cross Examination

 Read: Mauet, Chapter 5

 Problems: 3.1, 3.2, 3.3, 3.4, 3.5, 3.6

Lecture: Mauet, Chapter 5, Sections 5.1-5.7, and applicable Federal Rules of Evidence

**Week 3**: September 6, 2023

Direct Examination and Cross Examination: (Continued)

 Read: Mauet, Chapter 5

 Problems: 3.7, 3.8, 3.9, 3.10, 3.11, 3.12

Lecture: Mauet, Chapter 5, Sections 5.8-5.13, and applicable Federal Rules of Evidence

**Week 4**: September 13, 2023

Direct Examination and Cross Examination: (Continued)

 Read: Mauet Chapter 5, Chapter 7

 Problems: 3.13, 3.14, 3.15, 3.16, 3.17, 4.1

 Lecture: Making and Meeting Objections

**Week 5**: September 20, 2023

Direct Examination and Cross Examination: (Continued)

 Read: Mauet Chapter 10

 Problems: 4.2, 4.3, 4.4, 4.5, 4.6, 4.7

Lecture: Ten Commandments of Cross Examination and applicable Federal Rules of Evidence

**Week 6:** September 27, 2023

Direct and Cross Examination (Continued)

 Read: Mauet Chapter 6

 Problems: 4.8, 4.9, 4.10. 4.11, 4.12, 4.13

 Lecture: Impeachment and applicable Federal Rules of Evidence

**Week 7**: October 4, 2023

Impeachment

 Review: Mauet Chapter 6 (continued)

 Problems: 5.1, 5.2, 5.3, 5.4, 5.5, 5.6

**Week 8:** October 11, 2023

 Impeachment (Continued)

Problems to be assigned in class

Lecture: Opening Statements

**Week 9**: October 18, 2023

Opening Statements

Read: Mauet Chapter 4

Problems to be assigned in class

Lecture: Closing Arguments

**Week 10:** October 25, 2023

Closing Arguments

Read Mauet Chapter 9

Problems to be assigned in class

**Week 11:** November 1, 2023

 Continue Closing Arguments

**Week 12**: November 8, 2023

 Final Trial for First Half of Class

**Week 13**: November 15, 2023

Final Trial for Second Half of Class