**Basic Trial Advocacy**

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

**Adjunct Professor Vicki Peters**

**SPRING 2022**

**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 be 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 Tuesday 1:00 p.m. until 4:00 p.m. 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

Vicki Peters

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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 telephone.

**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.

**Semester Schedule**

**Week 1**:  January 11

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

Read: Mauet, Chapter 1 and Chapter 2

**Week 2**: January 18

Direct Examination: Occurrence Witnesses

 Read: Mauet, Chapter 5.1-5.5; 5.7; 5.8

 Problems: 3.7; 3.9; 3.10; 3.11; 3.12

Lecture: Foundations for conversations, refreshing recollection, past recollection recorded

**Week 3**: January 25

Direct Examination: Conversations, refreshing recollection, past recollection recorded

 Read: Mauet Chapter 5.12; 5.13 FRE 801;612; 803(5)

 Problems: 3.1; 3.2; 3.3; 3.4

 Lecture: Handling and using exhibits

**Week 4**: February 1

Direct Examination: Exhibits: Diagrams, Photographs

 Read: Mauet Chapter 7; FRE 801 and 901

 Problems: 3.14; 3.15; 4.1; 4.6; 4.8

 Lecture: Making and Meeting Objections

**Week 5**: February 8

Direct Examination: Exhibits: Photographs, Diagrams

 Read: Mauet Chapter 10; FRE 102, 103, 401, 402, 403

 Problems: 3.16, 4.13, 4.15, 4.16, 4.17

 Lecture: Ten Commandments of Cross Examination

**Week 6:** February 15

Direct and Cross Examination

 Read: Mauet Chapter 6; FRE 611

 Problems: 3.6, 3.9, 3.10, 3.11, 3.12

 Lecture: Impeachment

**Week 7**: February 22

Impeachment

 Review: Mauet Chapter 6.2; FRE 607,608, 609

 Problems: 5.8; 5.11; 5.13; 5.18; 5.20

 Lecture: Closing Argument

**Week 8**: March 1

Closing Arguments

Read Mauet Chapter 9

**Week 9:** March 8

Direct and Cross Examinations of the State Witnesses

**Week 10**: March 15

Direct and Cross Examinations of the Defense Witnesses

 Lecture: Opening Statement

\*Spring Break March 22 – no class

**Week 11**: March 29

Opening Statements

Read: Mauet Chapter 4

**Week 12**: April 5

Final Trial for First Half of Class

**Week 13**: April 12

Final Trial for Second Half of Class