

Florida A & M University College of Law

TRIAL PRACTICE

FALL Syllabus

Professor Reginald Whitehead

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Office (407) 254-7664

Office Hrs: By appointment ONLY

Office: BRC

Class Hrs: Monday - 6:00 pm - 8:30pm

Class Location: Orange County Courthouse

This course is not solely designed for those who intend to pursue a career in the courtroom. The skills you will learn in this course such as oral advocacy, effective planning and preparation, and the art of persuasion, will be an asset to you in every aspect of the practice of law.

Course Materials

Required:

Thomas A. Mauet, Trial Techniques (latest edition). ISBN 0-7355-3240-0

Thomas A. Mauet & Warren D. Wolfson, Materials in Trial Advocacy -- Problems and Cases (latest edition). ISBN 0-7355-2476-9

Florida Rules of Evidence (any)

Classroom Procedures

Attendance is required according to FAMUCOL Student Handbook.

We will have a short lecture and demonstration on each trial skill. However, my comments are no substitute for the reading and it is expected that you will prepare for the role play exercises primarily on the basis of reading assignments. Class discussions and the role play exercises will proceed on the assumption that the assigned reading has been done.

Each exercise may involve issues that have not been covered in any assigned reading. Consequently, in preparing for exercises you may need to look up and read pertinent parts of the text (Trial Techniques)

or other sources that have not been assigned. This is particularly true of the evidence problems that may come up in the role play exercises.

This is an introductory trial advocacy course. We will learn the fundamental aspects of a jury trial from opening statements through closing arguments. The class requires weekly readings, which can be found in Trial Techniques. The class consists primarily of in-class exercises. These exercises can be found in Materials in Trial Advocacy -- Problems and Cases. These exercises require intensive preparation and are a vital part of the learning experience.

Grading

Grading will be based on the following breakdown: on your attendance, preparation for class and quality of role play performances in class exercises.

COURSE OUTLINE:

The Trial Process

Assigned Reading Chaps. I and II in Trial Techniques

Course Overview -- Opening Statements Demo/Lecture

Opening Statements

Assigned Reading Chap. IV in Trial Techniques

Opening Statements Practice

Preparation: The case at 9.7 of Materials in Trial Advocacy. Prepare an opening statement for that case that is no longer than 10 minutes.

Direct and Cross Examination

Assigned Reading Chaps. V and VII Trial Techniques

Direct and Cross Exam Demo/Lecture

Direct and Cross Examination Practice

Preparation: Prepare problems 3.2, 3.3, 3.6, 3.7, 3.9, 3.11, 3.12, 3.15, 3.16, in

Materials in Trial Advocacy -- Problems and Cases. The examination for the witness should be short 3-5 minutes. You should prepare both direct and cross exams. Refer to Chap VI in Trial Techniques as needed for foundations.

Exhibits

Assigned Reading Chap VI Trial Techniques

Exhibits Demo/Lecture

Exhibits Practice

Preparation: Prepare problems 4.1, 4.2, 4.4, 4.5, 4.7, 4.10, 4.11, 4.13, 4.17, 4.19, in Materials in Trial Advocacy -- Problems and Cases. These problems are designed to allow students to practice laying the foundation or the admission of evidence. Evidentiary Foundations is a really useful aid for this exercise.

Impeachment and Rehabilitation

Assigned Reading: Chaps V and VII Trial Techniques

Impeachment and Rehab Demo/Lecture

Impeachment and Rehab Practice

Prepare Problems 5.1, 5.3, 5.5, 5.7, 5.8, 5.9, 5.10, 5.12, 5.13, 5.15, 5.19 in Materials in Trial Advocacy -- Problems and Cases.

Closing Arguments

Assigned Reading Chap. IX Trial Techniques

Closing Arguments Demo/Lecture

Closing Arguments Practice

Preparation: The case at 9.7 of Materials in Trial Advocacy. Prepare a closing argument for that case that is no longer than 12 minutes.

Objections

Assigned Reading Chap X Trial Techniques

Objections Demo/Lecture

Objections Practice