



Title	<u>American Trial Advocacy</u> <u>American trial advocacy - practice course</u>
Lecturer(s):	Steven Oberman (USA)
Contact email address:	Steve@tntriallaw.com
Brief description	<p>This course relates to American trial skills. This class will be held twice per week. Throughout the course, students will explore plaintiff and defense strategies, as well as American methods of persuasion and public speaking skills. The students will both learn about and practice various phases of a trial while performing as trial counsel in a variety of simulated courtroom exercises.</p> <p>In the first of these weekly classes, students will learn about each phase of an American trial in more of a lecture-style setting. During this lecture, I will demonstrate trial techniques with limited student participation. Among other techniques, students will learn the requirements and theory behind each trial skill, including Opening Statements, Direct and Cross-Examination, Closing Arguments, Introducing Exhibits, and Presenting Expert Testimony. Students will also be introduced to relevant portions of the U.S. Federal Rules of Evidence as part of this course. The class materials that will likely be used are based on an actual case of mine where the defendant was charged with shooting another man in a case of self-defense.</p> <p>The second weekly class will be limited to no more than 10 students. Each student will demonstrate the previously-taught skill in a moot court setting. At that time, I will offer suggestions for improvement and assess students on how effectively they demonstrate each skill. As their final exam in this course, students will act as trial counsel in a mock trial.</p> <p>This course will teach students valuable advocacy and public-speaking skills and give students the opportunity to apply those skills in a practical,</p>

	<p>demonstration-based setting. Students will receive feedback that will help them grow as both orators and as trial lawyers.</p> <p>Upon successful completion of the Trial Advocacy course, students will have acquired a basic knowledge of:</p> <ol style="list-style-type: none"> 1. Trial practice vocabulary; 2. The phases of an American trial; 3. The components of the trial and the skills necessary to perform each component competently and successfully; 4. Strategic concerns when preparing case development and presentation; 5. Developing and using a consistent theme and theory throughout the case; 6. Enhancing the case with exhibits and demonstrative aids; 7. Objecting and responding to objections; 8. Organizing and managing case materials; 9. Preparing and performing all the components of a trial; 10. Why and how to preserve the record for appellate review; 11. Using technology in trial presentations; 12. Public speaking and oral advocacy skills; 13. Making strategic decisions at various points during a trial, based on the students' own proficiencies as well as the facts, previous testimony, and trial procedures; and 14. The American Federal Rules of Evidence in context with the fact pattern.
<p>Schedule <i>Please note: The “L” indicates a Lecture class and the “P” indicates a Performance (by the students) class.</i></p>	<p>1L. Class Introduction, and Overview of the American Trial Process 1L. Theories of Persuasion and Developing Case Theory & Theme 2L. The Ethics of Witness Preparation Use of Technology in Your Practice 2L. Opening Statements 3P. Opening Statements</p>

	<p>3L. Direct Examination 4P. Direct Examination 4L. Cross-Examination 5P. Cross-Examination 5L. Demonstrative Aids and Exhibits 6P. Introducing and Using Exhibits 6L. Objections, Relevancy, and Hearsay 7P. Objections (Practicing Direct and Cross-Examination) 7L. Impeachment of Witnesses 8P. Impeachment of Witnesses 8L. Witness Rehabilitation & Refreshing Recollection 9P. Witness Rehabilitation & Refreshing Recollection 9L. Closing Arguments 10P. Closing Arguments 10L. Pretrial Conferences & Trial Preparation 11P. Final Exam I 11P. Final Exam II 12L. Critique of Student Performances 12L. Technique Review</p>
Materials/Recommended readings	<p>All materials will be provided either electronically or by placing multiple copies of the textbook(s) on “reserve” at the Faculty of Law Library. All materials will be available at no cost to the students.</p>
Assessment/Exam	<ul style="list-style-type: none"> • Class attendance; • Weekly performances by the students (graded on a pass/fail basis); • Final trial performance; and • Trial notebook (graded on a pass/fail basis).