TRIAL PRACTICE  
S P R I N G  2 0 2 0  

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Required Materials  

Fundamentals of Trial Techniques by Thomas Mauet, (10th Ed.), Published by Aspen Publishing, Inc.  
Problems in Trial Advocacy, NITA, (2017 Ed.)  

** DO NOT PURCHASE CASE FILES UNTIL FURTHER CLASS DISCUSSION **  
Case Files:  
State v. Diamond, NITA, (6th Ed.)  

Note: We will use the Diamond case in class. The Stone case (criminal) and the Shrackle case (civil) will be used for your Final Trials. You will only need to purchase one.  

Suggested Outside Reading  

Evidentiary Foundations, by E. Imwinkelreid  
Cross Examination: Science and Techniques, by Larry Pozner and Roger Dodd  

SYLLABUS AND CLASS ASSIGNMENTS  

CLASS ATTENDANCE AND PARTICIPATION: Students are expected to attend each class and be prepared to participate. Three (3) unexcused absences will result in a grade of Incomplete reported to the Registrar.  

ASSIGNMENT FOR FIRST CLASS – READ MAUET CHAPTERS: 1, 2, 5, 10, 11  

1. Introductory Class – 1/14  
   Read: Mauet, chapters 1, 2 and 11  

2. Direct Examination – 1/21  
   Read: Mauet, chapter 5, 10  
   Prepare: Group A: NITA Problem 1 (Direct of James Bier)  
   Group B: NITA Problem 2 (Direct of Robert Byrd)  

3. Cross Examination – 1/28  
   Read: Mauet, chapter 6  
   Prepare: Group A: NITA Problem 1 (Cross of James Bier)
Group B: NITA Problem 2 (Cross of Robert Byrd)

4. Direct and Cross – 2/4
   Prepare:
   Group A: NITA Problem 3 (Direct of Gale Fitzgerald)
   Group B: NITA Problem 3 (Cross of Gale Fitzgerald)

5. Exhibits and Demonstrative Evidence – 2/11
   Read: Mauet, chapter 7
   Prepare:
   Group A: NITA Problem 12 (introduce the photos)
   NITA Problem 15, parts 1 & 2 (oppose the photos)
   NITA Problem 19, part A (introduce the bat)
   parts B & C (oppose the offer on the bottle)
   Group B: NITA Problem 12 (oppose the photos)
   NITA Problem 15, parts 1 & 2 (introduce the photos)
   NITA Problem 19, part A (oppose the bat)
   parts B & C (introduce the bottle)

6. Impeachment and Rehabilitation – 2/18
   Read/Review: Mauet, chapters 5.16 and 6.7
   Prepare:
   Group A: NITA Problems 5 and 30, (Cross of Mark Warden)
   NITA Problems 5 and 30, (Direct/Redirect of Alan Benjamin)
   Group B: NITA Problems 5 and 30, (Direct/Redirect of Mark Warden)
   NITA Problems 5 and 30, (Cross of Alan Benjamin)

7. Experts – 2/25
   Read: Mauet, chapter 8
   NITA Case file: State v. Diamond
   Prepare: No problem assigned, just the reading; we will use this case for
discussion/lecture on experts, and to address any issues in preparation of your mini-trials the
following week

   The Prosecution’s Case
   See hand-out e-mailed 2-21-19

   The Defense Case
   See hand-out e-mailed 2-21-19

10. Opening Statements – 3/31
    Read: Mauet, chapter 4
    Prepare: Group A & B: Opening Statement for State v. Diamond
     (Prosecution and Defense Roles to be assigned)

11. Closing Arguments – 4/7
Read: Mauet, chapter 9
Prepare: Group A & B: Closing Argument for State v. Diamond
(Prosecution and Defense Roles to be assigned)

Read: Mauet, chapter 3
Prepare: Group A & B: Voir Dire on issues from State v. Diamond
(Prosecution and Defense Roles to be assigned)

NOTE: We will also discuss preliminary issues related to Final Trials

**** STUDENT FINAL TRIALS ARE ALL DAY SATURDAY April 18, 2019 ****

Final Trial Cases Are Either:
State v. Stone – Criminal Case
Or:
Potter v. Shrackle – Civil Case [trial on liability only; not damages]

Students who find a Saturday final trial problematic must give notice as soon as possible in the semester so alternative arrangements can be made.

13. Final Class – 4/21
(No assignment)
Discussion of Final Trials and Miscellaneous Matters