

**TRIAL PRACTICE**  
**Wednesday 5:45-8:00 p.m.**

**FALL 2021**

**Professor: Jordana M. Levine**

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Required Materials

Fundamentals of Trial Techniques by Thomas Mauet, (10th Ed.), Published by Aspen Publishing, Inc.

Case Files:     State v. Diamond, NITA, (6<sup>th</sup> Ed.)  
                      State v. Peyton, NITA, (2<sup>nd</sup> Ed.)

Note:

We will use the Diamond case file in class.

We will use the Peyton case (criminal) for your Final Trials.

**Final Trials will held on: Saturday, December 4<sup>th</sup> & Sunday, December 5<sup>th</sup> @ 9:00 a.m. – 4:00 p.m. YOU NEED TO CONFIRM YOUR AVAILABILITY FOR ALL DAY BOTH DAYS ON THE FIRST DAY OF CLASS.**

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.

The reading and problems to prepared for each class are listed below. You are expected to complete the reading and assignment listed for each class in preparation for that class. For example, you must reach Mauet, chapters 1, 2, and 11, before our first class on September 1<sup>st</sup> to be prepared for that class.

1. Introductory Class / Trial Notebook – September 1  
Read: Mauet, chapters 1, 2, and 11

2. Direct Examination – September 8

Read: Mauet, chapter 5

Review: State v Trudy Doyle case file

Prepare: Direct examinations for:  
Sgt Benbrook  
Beth/Brian Kelly  
Joseph/JoAnne Foster

3. Cross Examination – September 15

Read: Mauet, chapter 6

Prepare: Cross Examinations for:  
Sgt Benbrook  
Beth/Brian Kelly  
Joseph/JoAnne Foster

4. Direct and Cross – September 22

Prepare:

Group A:

Direct Examination of Eric/Estelle Mason

Cross Examination of Jeanne/John Madden

Group 1:

Cross Examination of Eric/Estelle Mason

Direct Examination of Jeanne/John Madden

5. Exhibits and Demonstrative Evidence – September 29

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 1: 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 – October 6

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 1: NITA Problems 5 and 30, (Direct/Redirect of Mark Warden)  
NITA Problems 5 and 30, (Cross of Alan Benjamin)

7. Experts – October 13

Read: Mauet, chapter 8

NITA Case file: State v. Trudy Doyle  
Prepare: Direct and Cross of the Dr. Pierce

8. Opening Statements – October 20

Read: Mauet, chapter 4

Prepare: Opening Statement for State v. Trudy Odyle  
(Prosecution and Defense Roles to be assigned)

9. Closing Arguments – October 27

Read: Mauet, chapter 9

Prepare: Closing Argument for State v. Trudy Doyle  
(Prosecution and Defense Roles to be assigned)

10. Jury Selection – November 10

Read: Mauet, chapter 3

Prepare: Group A & 1: Voir Dire on issues from State v. Trudy Doyle  
(Prosecution and Defense Roles to be assigned)

11. Semester Re-Cap Class – November 17

Reading TBD

12. Revisiting Trial Objections; Prep/Instructions for Final Trial – November 24

Reading TBD

13. Analyzing Trial Segments and Storytelling – December 1

Reading TBD

Video clip links will be e-mailed out in advance

**FINAL TRIAL:**

- **Saturday, December 4<sup>th</sup> & Sunday, December 5<sup>th</sup> @ 9:00 a.m. – 4:00 p.m.**

14. Final Class – December 8

No assignment

Discussion and Feedback on Final Trials

Time to Complete Class/Teacher Evaluation