

TRIAL PRACTICE – SPRING 2023

Wednesday 5:45-8:00 p.m.

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, (6th Ed.)
 State v. Peyton, NITA, (2nd 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, April 22, 2023 from 9:00 a.m. – 4:00 p.m.
YOU NEED TO CONFIRM YOUR AVAILABILITY FOR ALL DAY 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 January 18th to be prepared for that class.

1. Introductory Class / Trial Notebook – January 18
 - a. Read: Mauet, chapters 1, 2, and 11
 2. Interviewing Witnesses & Client / Preparing Trial Notebook / Intro to Direct Examination – January 25
 - a. Read – State v Trudy Doyle case file
 3. Direct Examination – February 1
 - a. Read: Mauet, chapter 5
 - b. Review: State v Trudy Doyle case file
 - c. Prepare: Direct examinations for:
 - a. Sgt Benbrook
 - b. Beth/Brian Kelly
 - c. Joseph/JoAnne Foster
 4. Cross Examination – February 8
 - a. Read: Mauet, chapter 6
 - b. Prepare: Cross Examinations for:
 1. Sgt Benbrook
 - a. Beth/Brian Kelly
 - b. Joseph/JoAnne Foster
 5. Direct and Cross – February 15
 - a. Prepare:
 - i. Group A:
 1. Direct Examination of Eric/Estelle Mason
 2. Cross Examination of Jeanne/John Madden
 - ii. Group 1:
 1. Cross Examination of Eric/Estelle Mason
 2. Direct Examination of Jeanne/John Madden
 6. Exhibits and Demonstrative Evidence – February 22
 - a. Read: Mauet, chapter 7
 - b. Prepare: Group A: NITA Problem 12 (introduce the photos)
 - a. NITA Problem 15, parts 1 & 2 (oppose the photos)
 - b. NITA Problem 19, part A (introduce the bat)
 1. parts B & C (oppose the offer on the bottle)
 - ii. Group 1: NITA Problem 12 (oppose the photos)
 - a. NITA Problem 15, parts 1 & 2 (introduce the photos)
 - b. NITA Problem 19, part A (oppose the bat)
 1. parts B & C (introduce the bottle)
7. Impeachment and Rehabilitation – March 1

- a. Read/Review: Mauet, chapters 5.13 and 6.7
 - b. Prepare: Group A: NITA Problems 5 and 30, (Cross of Mark Warden)
 - a. NITA Problems 5 and 30, (Direct/Redirect of Alan Benjamin)
 - ii. Group 1: NITA Problems 5 and 30, (Direct/Redirect of Mark Warden)
 - a. NITA Problems 5 and 30, (Cross of Alan Benjamin)
8. Experts – March 15
- a. Read: Mauet, chapter 8
 - i. NITA Case file: State v. Trudy Doyle
 - b. Prepare: Direct and Cross of the Dr. Pierce
9. Opening Statements – March 22
- a. Read: Mauet, chapter 4
 - b. Prepare: Opening Statement for State v. Trudy Doyle
 - c. (Prosecution and Defense Roles to be assigned)
10. Closing Arguments – March 29
- a. Read: Mauet, chapter 9
 - b. Prepare: Closing Argument for State v. Trudy Doyle
 - c. (Prosecution and Defense Roles to be assigned)
11. Jury Selection – April 5
- a. Read: Mauet, chapter 3
 - b. Prepare: Group A & 1: Voir Dire on issues from State v. Trudy Doyle
 - c. (Prosecution and Defense Roles to be assigned)
12. Revisiting Trial Objections; Prep/Instructions for Final Trial – April 12
- a. Read: Mauet, chapter 10
13. Analyzing Trial Segments and Storytelling – April 19
- a. Reading TBD
 - b. Video clip links will be e-mailed out in advance

FINAL TRIAL:

Saturday, April 22, 2023 @ 9:00 a.m. – 4:00 p.m.

14. 14. Final Class – April 2
 - a. No assignment
 - b. Discussion and Feedback on Final Trials
 - c. Time to Complete Class/Teacher Evaluation