

TRIAL PRACTICE – SPRING 2024

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.

HIGH SCHOOL MOCK TRIAL COMPETITION – Will be held on Saturday, April 6, 2024 from 9:00 a.m. – 3:00 p.m. (*Professor Levine to confirm this date/time by second class*)

FINAL TRIALS -- Will held on: Saturday, April 20, 2024 from 9:00 a.m. – 4:00 p.m.

YOU NEED TO CONFIRM YOUR AVAILABILITY FOR 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.

1. Introductory Class
 - a. NO ASSIGNED READING

 2. Interviewing Witnesses & Client / Preparing Trial Notebook / Intro to Direct Examination
 - a. Review: State v Trudy Doyle case file
 - b. Read: Mauet, chapters 1, 2, and 11

 3. Direct Examination
 - 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
 - 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
 - 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
 - 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)
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7. Impeachment and Rehabilitation

- 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
- 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
- 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
- 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
- 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
- a. Read: Mauet, chapter 10
13. Analyzing Trial Segments and Storytelling
- a. Reading TBD
 - b. Video clip links will be e-mailed out in advance

FINAL TRIAL:

Saturday, April 20, 2023 @ 9:00 a.m. – 4:00 p.m.

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