
LAW 537 SYLLABUS
TRIAL ADVOCACY
SPRING 2019

CONTACT INFORMATION

Instructor: Timothy James Ting
E-mail: tjting@siu.edu
Class Time: Thursdays: 6:30 p.m. – 9:00 p.m.
Class Location: Lesar Law Building, Room 108
Office Location: Faner Building, Room 4336 (for specially accommodated meetings)
Office Hours: Available on Mondays beginning at 5:00 p.m. – 6:00 p.m. in Faner Building, Room 1028. Additional office hours may be requested by students, if necessary.

COURSE DESCRIPTION

The purpose of this course is to acquaint the student with the fundamentals of trial advocacy. To that end, this course proceeds chronologically through the span of litigating a case – covering the decision and initiation of a lawsuit or charge, the significance of case analysis, pretrial motions, motion hearings, opening statements, direct examinations, cross examinations, and closing arguments. This course focuses significant attention on the development of oral advocacy skills, written analysis, and the use of PowerPoint and other courtroom technologies.

COURSE OBJECTIVE

Consistent with the course description, students will be provided with opportunities to test and expand their comprehension of trial proceedings through a variety of facets, including: lecture and notetaking, regimented activities conducted during class, motion hearings, and a mock trial. Students will translate their conceptual understanding of trial advocacy into practical competencies by participating in weekly class exercises – culminating with a mock trial. Accordingly, by the end of the course, each student should exhibit the following practical skills:

1. The analytical ability to discern nuanced hypothetical fact patterns, conduct legal research, and develop a written case analysis;
2. The analytical ability and comprehension to participate in a Motion Hearing;
3. The analytical ability and comprehension to participate in a Trial;
4. The written and oral ability to advocate for either a plaintiff/prosecution or defense position;
5. The intellectual and improvisational ability to both make (and respond to) objections.

WORKLOAD EXPECTATIONS

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to the American Bar Association Standard 310(b)(1), “a “credit hour” is an amount of work that reasonably approximates: (1) “not less than one hour of

classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” This is a 3 credit hour class. In-class instruction time will total 150 minutes per week (comprised of two respective 75 minute class periods on Tuesdays and Thursdays [please note: the ABA allows for the interpretation that 50 minute sections qualify as an “hour” of classroom instruction]). The amount of assigned reading and out of class preparation should take a student approximately 6 hours per week. Accordingly, applying the ABA standard to the number of credits offered for this class, students should plan on spending a total of 9 hours per week (3 in class and 6 preparing for class) on course-related work.

COURSE TEXTBOOK

Charles H. Rose III, *Mastering Trial Advocacy* (1st ed 2014); published by West Academic; ISBN: 978-0-314-28997-1

COURSE REQUIREMENTS AND METHOD OF EVALUATION

There will be 100 total points provided for in this course. Pursuant to law school rules, the median for a type of course such as LAW 537 can vary but be “no higher than 3.4.” *Southern Illinois University School of Law Rules*, Art. III, § 1, §§ b(v). Depending on the section’s collective performance, I intend to use a median within the prescribed range – if students are collectively of a high caliber, I’m inclined to use 3.4 as the median. The evaluation criteria will be based on a curve (see the Advocacy Modules Assessments below). Students are expected to produce the following work product for the purposes of evaluation:

- ✓ Advocacy Modules (18% of grade total) – Each advocacy module has an explanatory memorandum with evaluation criteria and specific assignments. If a student skips class on the day of a graded advocacy exercise, the student will receive a zero (0) for that exercise absent extraordinary circumstances to be determined by the professor. No advocacy scores will be dropped. The following for the advocacy exercises are as follows:
 - Outstanding (2 points). The student is prepared and gives an exceptional performance—considerably and objectively exemplary when compared to the typical student performance for this section. Such a performance must demonstrate mastery of the evaluation criteria and be the best performance for that section. *No more than one student per section, per lab session, may receive an Outstanding Rating.*
 - Superior (1.75 points). The student is prepared and gives a very good performance that satisfies the evaluation criteria and is noticeably and objectively superior to the typical student performance for this section. Such a performance must demonstrate mastery of the evaluation criteria and be close to the best performance for that section. *No more than one student per section, per lab session, may receive a Superior Rating.*
 - Above Average (1.5 points). The student is prepared and gives a performance that meets the evaluation criteria and is objectively better than the typical student performance for this section. *No more than two students per section, per lab session, may receive an Above Average Rating.*
 - Average (1 point). The student is prepared and gives a performance that meets most of the evaluation criteria and is typical of the students for this section. *No more than four students per section, per lab session, may receive an Average Rating.*

- Below Average (.75 points). The student is prepared and gives a below average performance (for students of this section) that meets some, but not all, of the evaluation criteria.
- Severe Deficiencies (0.5 points). The student is unprepared and gives a performance significantly below the average performance for this section and fails to meet most of the evaluation criteria.
 - *It is not necessary for the professor to give any Below Average or Severe Deficiencies evaluations. However, if all students fail to meet evaluation criteria, the professor reserves the right to deviate from the aforementioned standard and impose grades accordingly.*
- ✓ Trial Notebook (22% of grade total) – Each student will be expected to prepare a trial notebook, which will include filings, case analysis, examinations, and jury instructions. Students will be graded similarly to the advocacy exercises
- ✓ Preliminary Hearing (10% of grade total) – Students will be required to participate in a Preliminary Hearing and demonstrate the skills developed in class.
- ✓ Motion Hearing and Jury Instruction Conference (20% of grade total) – Students will be required to participate in a Motion Hearing and a Jury Instruction Conference and demonstrate the skills developed in class.
- ✓ Jury Trial (30% of grade total) – Students will be required to participate in a Motion Hearing and a Jury Instruction Conference and demonstrate the skills developed in class.

COURSE POLICIES

ATTENDANCE

Advocacy courses, by design, require the student's presence. ***To that end, students are expected to not miss any class due to the nature of the course.*** Attendance is mandatory and will be taken each class period at the beginning of the class (or at such time is reasonable for the logical flow of classroom instruction). Attendance will be taken in class and the records will be preserved for one year. Although an occasional absence may be unavoidable, if a student misses a graded advocacy exercise, the student cannot make up the exercise and will earn a 0 for that exercise. A student who misses all or part of a class will have his/her absence counted as a full absence. Class attendance is calculated from the first scheduled class meeting through the last scheduled class meeting.

LAPTOPS AND OTHER ELECTRONIC DEVICES

Laptop computers and other similar devices may be used throughout this course. If any student is found to have used such an electronic device inappropriately (*i.e.* any use other than classroom utilization), that student will be marked absent for the day and banned from bringing any electronic device in class for the rest of the semester (absent mitigating circumstances as determined by the professor).

STUDENT CONDUCT

Students shall comply with all the listed provisions of the governing regulations of Southern Illinois University School of Law pertaining to student conduct (or the University-wide equivalent, if no such policy exists within the School of Law regulations for specific instances). Incidents of plagiarism or other forms of academic dishonesty may result in any disciplinary action pursuant to the governing regulations of Southern Illinois University School of Law (or the University-wide equivalent, if no such policy exists within the School of Law regulations for specific instances).

EMERGENCY PROCEDURES

Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and

work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety's website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency. Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

DISABILITY POLICY

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements.

<http://disabilityservices.siu.edu/>. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations.

SALUKI CARES

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.

NOTICE OF RECORDING POLICIES

Classes will be recorded by the IT Department for this course. Students are prohibited from the audio and video recording of classes taught within this course. Special arrangements for recording may be made with the professor and IT department in advance under exceptional circumstances.

CLASS SCHEDULE

| <u>WEEK</u> | <u>TOPICS OF DISCUSSION</u> | <u>ASSIGNMENTS DUE IN CLASS</u> | <u>ASSIGNMENTS TO BE PREPARED BEFORE THE NEXT CLASS</u> |
|----------------|---|---|--|
| Before Class 1 | N/A | N/A | <ul style="list-style-type: none"> ✓ Module 1: Storytelling exercise ✓ Read Chapter 1 |
| 1/17 Class 1 | <ul style="list-style-type: none"> ✓ Storytelling and the Art of Acting ✓ Case Analysis | <ul style="list-style-type: none"> ✓ Module 1: Storytelling exercise | <ul style="list-style-type: none"> ✓ Module 2: Case Analysis Exercise ✓ Read Chapters 2 and 3 |
| 1/24 Class 2 | <ul style="list-style-type: none"> ✓ Opening Statements and the use of PowerPoint | <ul style="list-style-type: none"> ✓ Module 2: Case Analysis Exercise | <ul style="list-style-type: none"> ✓ Module 3: Opening Statement PowerPoint Exercise ✓ Read Chapter 4 |
| 1/31 Class 3 | <ul style="list-style-type: none"> ✓ Direct Examination | <ul style="list-style-type: none"> ✓ Module 3: Opening Statement PowerPoint Exercise | <ul style="list-style-type: none"> ✓ Module 4: Direct Examination ✓ Read Chapter 5 |
| 2/7 Class 4 | <ul style="list-style-type: none"> ✓ Exhibits | <ul style="list-style-type: none"> ✓ Module 4: Direct Examination | <ul style="list-style-type: none"> ✓ Module 5: Exhibits ✓ Read Chapter 6 |
| 2/14 Class 5 | <ul style="list-style-type: none"> ✓ Cross Examination | <ul style="list-style-type: none"> ✓ Module 5: Exhibits | <ul style="list-style-type: none"> ✓ Module 6: Cross Examination ✓ Read Chapter 7 and 8 |
| 2/21 Class 6 | <ul style="list-style-type: none"> ✓ Objections | <ul style="list-style-type: none"> ✓ Module 6: Cross Examination | <ul style="list-style-type: none"> ✓ Module 7: Objections ✓ Read Chapter 11 |
| 2/28 Class 7 | <ul style="list-style-type: none"> ✓ Experts | <ul style="list-style-type: none"> ✓ Module 7: Objections | <ul style="list-style-type: none"> ✓ Module 8: Experts ✓ Groups 1 and 2 assigned Jury Trial 1 Case file ✓ Read Chapter 9 |
| 3/7 Class 8 | <ul style="list-style-type: none"> ✓ Closing Arguments | <ul style="list-style-type: none"> ✓ Module 8: Experts ✓ Groups 1 and 2 – Charging Information is due | <ul style="list-style-type: none"> ✓ Module 9: Closing Argument PowerPoint ✓ Groups 3 and 4 assigned Jury Trial 2 Case file ✓ Read Chapter 10 |
| 3/14 Class 9 | <ul style="list-style-type: none"> ✓ Preparing for the Trial | <ul style="list-style-type: none"> ✓ Module 9: Closing Argument PowerPoint ✓ Groups 3 and 4 – Charging Information is due | <ul style="list-style-type: none"> ✓ Groups 1-4 prepare for respective Preliminary Hearings ✓ Read Chapter 12 |
| 3/21 Class 10 | N/A | <u>PRELIMINARY HEARING 1</u> Groups 1 and 2 | <ul style="list-style-type: none"> ✓ Groups 1-2 prepare for Motion Hearing and Jury Trial |
| 3/28 Class 11 | N/A | <u>PRELIMINARY HEARING 2</u> Groups 3 and 4 | <ul style="list-style-type: none"> ✓ Groups 1-4 prepare for Motion Hearing and Jury Trial |

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|---------------------|-----|--|-------------------------------------|
| 4/4 Class 12 | N/A | <u>MOTION HEARING AND JURY INSTRUCTIONS CONFERENCE 1</u> Groups 1 and 2 | ✓ Groups 1-4 prepare for Jury Trial |
| 4/11 Class 13 | N/A | <u>MOTION HEARING AND JURY INSTRUCTIONS CONFERENCE 2</u> Groups 3 and 4 | ✓ Groups 1-4 prepare for Jury Trial |
| 4/18 Class 14 | N/A | <u>JURY TRIAL 1</u> Groups 1 and 2 ✓ Trial Notebook due for Groups 1 and 2 | ✓ Groups 3-4 prepare for Jury Trial |
| 4/25 Class 15 | N/A | <u>JURY TRIAL 2</u> Groups 3 and 4 ✓ Trial Notebook due for Groups 3 and 4 | N/A |

Announcements made in class, by email, or through D2L will prevail over information contained in the Syllabus. It is the student's obligation to practice due diligence in keeping abreast of all current developments within the course.