

Trial Advocacy

Fall 2023

Adjunct Professor Stephen Stone

Tuesdays 6:30 p.m. – 9:00 p.m.

Office Hours: By appointment only

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Course Memorandum & Syllabus

Course Overview and Learning Objectives

Thank you for choosing and welcome to Trial Advocacy.

Think of Trial Advocacy like an incubator where transformation will occur. If successful, Trial Advocacy will transform Evidence from theory to practice and from rule to presentation. It will be where the courtroom is transformed from an intimidating and unfamiliar place, to a place where you will feel comfortable and perhaps even long to be. If exceedingly successful, a course in Trial Advocacy will manifest a lifelong desire to forever hone your skills for the betterment of your clients, community, state, and nation.

In this course, you will be introduced to that part of the law practice that occurs inside a courtroom. You will learn basic skills: how to address the Court, its staff, your opponent, witnesses, and a jury. You will learn the structure of a trial: from opening statements, presentation of one's case in chief, defense of your opponent's case in chief, and closing arguments.

You will learn to introduce and oppose the introduction of evidence, lay foundation for evidence, both real and demonstrative, present and cross examine witnesses, both lay and expert, introduce opinion testimony, both lay and expert, and you will learn how to do these consistent with the theory of your case, while developing themes that allow you to advocate and persuade.

Classroom participation is critical. "Classroom participation" means everything that comes before the mock case you will try toward the end of the semester.

Lastly but very importantly, consistent with the profession's continuing efforts to help develop professional identity with a focus on diversity, equity and inclusion, the course will strive to employ strategies of active listening, empathy and effective allyship during classroom discussions and group work, as well as, to critically reflect on one's professional identity, while recognizing the impact of internal and external factors on identity.

Grading

This course is graded. Law school rules allow sections with 12 or fewer students greater leeway on the mean grade, but there remains a requirement to grade nonetheless. As difficult as it may be, motivate yourself to excel not for the grade but for yourself and your classmates. Again, this is an incubator. We want all to transform.

“Classroom participation” will represent 50% of your grade cumulatively earned in the weeks leading up to the trial.

Your performance at trial will represent the other 50%.

Grading for trial will be scored based upon the following categories:

<u>Categories</u>	<u>Potential Points</u>	<u>Earned</u>
Appropriate Attire	5	
Courtroom Demeanor/Presence	5	
Language and Voice	5	
Use of Theory and Theme	5	
Opening Statement	5	
Direct Examination	5	
Cross Examination	5	
Knowledge of Evidence/Foundation and Objections	5	

Closing Argument	5	
Trial Notebook	5	
TOTALS	50	

Trial scores will be solely based upon the performance at trial compared to your classmates. Classroom participation scores will not necessarily reflect who was the best, but who through effort and determination, mastered, and by their participation, assisted others in mastering the categories that will be ultimately judged at trial.

To that end, in class, you will be expected to serve as advocates, witnesses, and even judges. You will be expected to professionally encourage and critique each other, understanding that trial advocacy, especially jury trial advocacy, requires us to take into account a multitude of perspectives.

Course Objective

By the end of the course, the objective will be for you:

- to have competence and confidence in a courtroom;
- to master basic trial skills; and
- to be able to competently try a mock case to verdict before a jury.

Course Subjects

The Course will focus on ten main subjects, but not necessarily in the order set out below:

I. Theory and Theme (Law and Story)

II. Laying Foundation

III. Objections

IV. Direct Examination

V. Opinion Testimony

VI. Exhibits

VII. Cross Examination

VIII. Opening Statement

IX. Closing Arguments

X. Trial Motion Practice

Ideally, these ten subjects will be introduced and significantly explored in the first 8 weeks. The remaining weeks will be focused on trial preparation.

ABA Credit Hour Standards

You might be interested to know that the ABA standards incorporate out of class work in the calculation of credit hours. Under the ABA standards, **you should expect to spend 150 minutes per week in class (2.5 hours), plus (a minimum of) six hours of study a week, for a total of 8.5 hours per week."**

Your Mock Trial

You and a classmate will serve as co-counsel and will try the case of Dixon v. Providential Life Insurance Company, representing either the widow of Judge Dixon, who was found dead in his home, having succumbed to head wounds from the discharge of a firearm, or the Providential Life Insurance Company, which denied the widow's claim based on the contractual defense of suicide. The case file will be provided to you free of charge. You will find the case file on reserve in the Law Library for use during the term.

Textbooks

Required Course Materials:

There are dizzying number of text books dedicated to Trial Advocacy. None necessarily follow the rhythm of an introductory course.

Underlying all advocacy, however, are the Rules of Evidence so I require the Illinois Rules of Evidence Handbook by John Barkai. ISBN # 979-8-6784-7912-9. This is a keeper, and you will find it useful if you practice in Illinois, and useful, because your Mock Trial Problem will incorporate the law of Illinois.

The second book is Trial Techniques and Trial by Mauet & Easton, by Aspen Publishing, ISBN # 978-1-5438-2531-2. This too is a keeper, and you will find it useful wherever you practice.

You are encouraged to explore any and all sources beyond these texts: Supplemental resources include The Advocacy Teaching Blog, Charlie Rose's Advocacy YouTube channel, Wes Porter's Advocacy YouTube channel, the National Institute for Trial Advocacy YouTube channel, Younger on Cross Examination YouTube (The Ten Commandments of Cross Examination).

Class Recordings

Video and Audio Recordings. The school makes use of video and audio recordings of class.

Professor's Plea

Being a trial lawyer is humbling, so please check your egos at the door. Each of you will have a natural skill set that will serve you well in some aspect of advocacy. Few, however, naturally possess a skill set that will serve you well in all aspects of advocacy. We will endeavor to identify your strengths and your weaknesses, so be open and prepared to learn that Trial Advocacy is not a "one size fits all" course.

Dress

At the beginning of the semester, you may but are not required to dress in courtroom attire. At trial, however, you will be expected to dress in courtroom attire. A great deal of one's competency depends on being comfortable in the courtroom, so if introducing formal dress will impact your comfort level, you should dress professionally early.

Phones, Tablets, Laptops, and Artificial Intelligence

Use of a cell phones, a Tablet, or Laptops for anything unrelated to class is not permitted. Use of Artificial Intelligence platforms is prohibited.

Partnerships

Your mock trial will require you to have a partner. Your partner must be someone in this class. Depending on enrollment numbers, it is possible that someone may have to try a case without a partner. This will be determined as needed.

Other Important Stuff

EMERGENCY PROCEDURES: We ask that you become familiar with **Emergency Preparedness @ SIU**. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit <http://emergency.siu.edu/>.

DISABILITY POLICY. SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course 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) 453-2461, or siucares@siu.edu, <https://salukicare.siu.edu/>. Assistant Dean Judi Ray is available at the School of Law to help students access university resources. Please email her at judiray@siu.edu, or call 618-453-3135.

SAFETY AWARENESS FACTS AND EDUCATION Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>

The University's Syllabus Attachment will be posted on the course TWEN page.

Here is a link to it: <https://pvcaa.siu.edu/common/documents/syllabus-attachments/syllabus-attachment-spring-2023.pdf>

Syllabus Attachment

Fall 2023

MISSION STATEMENT FOR SOUTHERN ILLINOIS UNIVERSITY CARBONDALE

SIU embraces a unique tradition of access and opportunity, inclusive excellence, innovation in research and creativity, and outstanding teaching focused on nurturing student success. As a nationally ranked public research university and regional economic catalyst, we create and exchange knowledge to shape future leaders, improve our communities, and transform lives.

IMPORTANT DATES:

Semester Classes Begin	08/21/2023
Last day to add full-term course (without Dean's signature)	08/27/2023
Last day to withdraw from the University with a full refund	09/01/2023
Last day to drop a full-term course for a credit/refund	09/03/2023
Last day to drop a full-term course (W grade, no refund)	10/29/2023
Final examinations:	12/11–12/15/2023

Note: Please verify the above dates with the Registrar calendar and find more detailed information on deadlines at <http://registrar.siu.edu/calendars>. For add/drop dates that apply to shorter-than-full-term courses, please look at the Schedule of Classes search results at <http://registrar.siu.edu/schedclass/index.php>

FALL SEMESTER HOLIDAYS:

Labor Day 09/04/2023

Thanksgiving Break 11/18-11/26/2023

DIVERSITY: Southern Illinois University Carbondale's goal is to provide a welcoming campus where all of our students, faculty and staff can study and work in a respectful, positive environment free from racism and intimidation. For more information visit: <http://diversity.siu.edu>. Additional [informational flyer](#).

DISABILITY SUPPORT SERVICES: SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at (618) 453-5738 or <https://disabilityservices.siu.edu>. You may request accommodations at any time, but timely requests help to insure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty.

MILITARY COMMUNITY: There are complexities of being a member of the military community and also a student, and military and veteran related developments can complicate academic life. If you are a member of the military community and in need of accommodations please visit Veterans Services at <http://veterans.siu.edu/>.

STUDENT MULTICULTURAL RESOURCE CENTER: The Student Multicultural Resource Center serves as a catalyst for inclusion, diversity and innovation. As the Center continues its work, we are here to ensure that you think, grow and succeed. We encourage you to stop by the Center, located in the Student Services Building Room 140, to see the resources available and discover ways you can get involved on the campus. Visit us at <https://smrc.siu.edu/>.

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SIU COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS): Mental health counseling services are available by calling [CAPS](#) at (618) 453-5371. CAPS offers confidential same-day services and ongoing counseling. For after hours crisis care, students are encouraged to call 988, 911, or present to their nearest emergency room.

WITHDRAWAL POLICY (Undergraduate Only): Students who officially register for a session must officially withdraw from that registration in a timely manner to avoid being charged as well as receiving a failing grade for those classes. An official withdrawal must be initiated by the student, or on behalf of the student through the academic unit, and be processed by the Registrar's office. For the proper procedures to follow when dropping courses and when withdrawing from SIUC visit: <http://registrar.siu.edu/students/withdrawal.php>.

SIUC'S EARLY WARNING INTERVENTION PROGRAM (EWIP): Students enrolled in courses participating in SIUC's Early Warning Intervention Program might be contacted by University staff during a semester. More information can be found at the University Core Curriculum's Overview webpage: <https://corecurriculum.siu.edu/for-faculty/>.

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CATALOGS:

[catalog.siu.edu](#)

[gradcatalog.siu.edu](#) - Graduate policies often vary from Undergraduate policies. To view the applicable policies for graduate students, please refer to the graduate catalog.

CENTER FOR LEARNING AND SUPPORT SERVICES:

Tutoring: <https://clss.siu.edu/>

Math Labs: <http://math.siu.edu/courses/course-help.php>

WRITING CENTER: <http://write.siu.edu/>

PLAGIARISM: See the Student Conduct Code: <http://srr.siu.edu/student-conduct-code/>

INCOMPLETE POLICY (Undergraduate Only): <http://registrar.siu.edu/grades/incomplete.php>

REPEAT POLICY: <http://registrar.siu.edu/students/repeatclasses.php>

MORRIS LIBRARY HOURS: <https://libcal.lib.siu.edu/hours/>

ADVISEMENT: <http://advisement.siu.edu/>

SIU ONLINE: <https://online.siu.edu/>

Need additional help with an issue? Visit **SALUKI SOLUTION FINDER** at <http://solutionfinder.siu.edu/>