
LAW 537 SYLLABUS
TRIAL ADVOCACY
SPRING 2020

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 every Thursday [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.

Please note that the nature of this course is designed to simulate a realistic trial environment within class. Accordingly, students should be prepared for some variance on the time periods of classes. Sufficient notice will be provided to students but students should expect to attend some class periods with an earlier ending time while other classes will end later than the scheduled time period of 9:00 p.m. The Final Jury Trial is expected to be a four hour class.

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 grade point average for a type of course such as LAW 537 can vary from 2.8 to 3.4 (so long as there are 7 or more students within the course). *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 (as shown by the Assessments below). Students are expected to produce the following work product for the purposes of evaluation:

- ✓ Advocacy Modules (Required for the Student to Participate in Graded Exercises) – 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 must still submit that exercise *via* a recorded submission before the deadline of that Advocacy Module.
- ✓ Preliminary Hearing and Bond Reduction Hearing (20% of grade total) – Students will be required to participate in a Preliminary Hearing and Bond Reduction Hearing and demonstrate the skills developed in class. The evaluation criteria for the Preliminary Hearing and Bond Reduction Hearing are as follows:
 - Elite (20 points). The student is prepared and provides an exceptional performance —considerably and objectively exemplary. *No more than one student per lab session may receive an Elite Rating.*
 - Outstanding (18 points). The student is prepared and submits a high level performance that satisfies the evaluation criteria and is noticeably and objectively outstanding. *No more than one student per lab session may receive an Outstanding Rating.*
 - Superior (16 points). The student is prepared and submits a performance that meets the evaluation criteria and is objectively better than a typical student submission. *No more than two students per lab session may receive a Superior Rating.*

- Adequate (14 points). The student is prepared and submits a performance that meets most of the evaluation criteria and is typical of an average student submission. *No more than four students per lab session may receive an Adequate Rating.*
- Inadequate (12 points). The students are prepared but provide inadequate work product that meets some, but not all, of the evaluation criteria.
- Deficient (10 points and below). The students are unprepared and provide inadequate work product that fails to meet most of the evaluation criteria.
 - *It is not necessary for the professor to give any Inadequate or Deficient Evaluations. Furthermore, the professor reserves the right to deviate from the aforementioned guideline standard and impose grades accordingly when rare situations merit deviation.*
- ✓ 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. The evaluation criteria for the Motion Hearing and Jury Instruction Conference are as follows:
 - Elite (20 points). The student is prepared and provides an exceptional performance —considerably and objectively exemplary. *No more than one student per lab session may receive an Elite Rating.*
 - Outstanding (18 points). The student is prepared and submits a high level performance that satisfies the evaluation criteria and is noticeably and objectively outstanding. *No more than one student per lab session may receive an Outstanding Rating.*
 - Superior (16 points). The student is prepared and submits a performance that meets the evaluation criteria and is objectively better than a typical student submission. *No more than two students per lab session may receive a Superior Rating.*
 - Adequate (14 points). The student is prepared and submits a performance that meets most of the evaluation criteria and is typical of an average student submission. *No more than four students per lab session may receive an Adequate Rating.*
 - Inadequate (12 points). The students are prepared but provide inadequate work product that meets some, but not all, of the evaluation criteria.
 - Deficient (10 points and below). The students are unprepared and provide inadequate work product that fails to meet most of the evaluation criteria.
 - *It is not necessary for the professor to give any Inadequate or Deficient Evaluations. Furthermore, the professor reserves the right to deviate from the aforementioned guideline standard and impose grades accordingly when rare situations merit deviation.*
- ✓ Trial Notebook (20% of grade total) – Each team will be expected to prepare a trial notebook, which will include filings, case analysis, examinations, and jury instructions. The evaluation criteria for the Trial Notebook are as follows:
 - Elite (20 points). The students are prepared and submit exceptional work product —considerably and objectively exemplary. *No more than one team per lab session may receive an Elite Rating.*
 - Outstanding (18 points). The students are prepared and submit first class work product that satisfies the evaluation criteria and is noticeably and objectively outstanding. *No more than one team per lab session may receive an Outstanding Rating.*
 - Superior (16 points). The students are prepared and submit work product that meets the evaluation criteria and is objectively better than a typical student submission. *No more than two teams per lab session may receive a Superior Rating.*
 - Adequate (14 points). The students are prepared and submit work product that meets most of the evaluation criteria and is typical of an average student submission. *No more than four students per*

- lab session may receive an Adequate Rating.*
- Inadequate (12 points). The students are prepared but provide inadequate work product that meets some, but not all, of the evaluation criteria.
 - Deficient (10 points and below). The students are unprepared and provide inadequate work product that fails to meet most of the evaluation criteria.
 - *It is not necessary for the professor to give any Inadequate or Deficient Evaluations.*
 - Furthermore, the professor reserves the right to deviate from the aforementioned guideline standard and impose grades accordingly when rare situations merit deviation.*
- ✓ Jury Trial (40% of grade total) – Students will be required to participate in a Jury Trial and demonstrate the skills developed in class. The evaluation criteria for the Jury Trial are as follows:
- Elite (40 points). The student is prepared and provides an exceptional performance —considerably and objectively exemplary. *No more than one student per lab session may receive an Elite Rating.*
 - Outstanding (36 points). The student is prepared and submits a high level performance that satisfies the evaluation criteria and is noticeably and objectively outstanding. *No more than one student per lab session receive an Outstanding Rating.*
 - Superior (32 points). The student is prepared and submits a performance that meets the evaluation criteria and is objectively better than a typical student submission. *No more than two students per lab session may receive a Superior Rating.*
 - Adequate (28 points). The student is prepared and submits a performance that meets most of the evaluation criteria and is typical of an average student submission. *No more than four students per lab session may receive an Adequate Rating.*
 - Inadequate (24 points). The students are prepared but provide inadequate work product that meets some, but not all, of the evaluation criteria.
 - Deficient (20 points and below). The students are unprepared and provide inadequate work product that fails to meet most of the evaluation criteria.
 - *It is not necessary for the professor to give any Inadequate or Deficient Evaluations.*
 - Furthermore, the professor reserves the right to deviate from the aforementioned guideline standard and impose grades accordingly when rare situations merit deviation.*

COURSE POLICIES

ATTENDANCE

Advocacy courses, by design, require the student's presence. Consequently, students are expected to attend every 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. 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.

Nevertheless, occasional absences may be unavoidable (due to illness, personal issues, or co-curricular obligations [such as law school competitions]). If a student misses a class in an Advocacy Module was assigned, the student must still submit his/her module *via* a recorded submission to either D2L (or if the file format is too large, my email) before the deadline of that class.

LAPTOPS AND OTHER ELECTRONIC DEVICES

Laptop computers and other similar devices may be used throughout this course and are encouraged if it helps the student efficiently learn. 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	✓ Module 1: Storytelling exercise ✓ Read Chapter 1
1/16 Class 1	✓ Storytelling and the Art of Acting ✓ Case Analysis	✓ Module 1: Storytelling exercise	✓ Module 2: Case Analysis Exercise ✓ Read Chapters 2 and 3
1/23 Class 2	✓ Opening Statements and the use of PowerPoint	✓ Module 2: Case Analysis Exercise	✓ Module 3: Opening Statement PowerPoint Exercise ✓ Read Chapter 4
1/30 Class 3	✓ Direct Examination	✓ Module 3: Opening Statement PowerPoint Exercise	✓ Module 4: Direct Examination ✓ Read Chapter 5
2/6 Class 4	✓ Exhibits	✓ Module 4: Direct Examination	✓ Module 5: Exhibits ✓ Read Chapter 6
2/13 Class 5	✓ Cross Examination	✓ Module 5: Exhibits	✓ Module 6: Cross Examination ✓ Read Chapter 7 and 8
2/20 Class 6	✓ Objections	✓ Module 6: Cross Examination	✓ Module 7: Objections ✓ Read Chapter 11
2/27 Class 7	✓ Experts	✓ Module 7: Objections	✓ Module 8: Experts ✓ Read Chapter 9
3/5 Class 8	✓ Closing Arguments	✓ Module 8: Experts	✓ Read Chapter 10 ✓ Module 9: Closing Arguments
3/12 Class 9	<u>SPRING BREAK</u> NO CLASS SCHEDULED		
3/19 Class 10	✓ Upcoming Jury Trials	Module 9: Closing Arguments	✓ Groups 1-2 prepare for Motion Hearing and Jury Trial ✓ Groups 1 and 2 assigned Jury Trial 1 Case file

3/26 Class 11	Upcoming Jury Trials	<u>CLASSROOM INSTRUCTION FOR JURY TRIAL</u>	✓ Groups 1-2 prepare for Motion Hearing and Jury Trial
4/2 Class 12	N/A	<u>PREPARE FOR JURY TRIAL (MEET WITH GROUPS)</u>	✓ Groups 1-2 prepare for Jury Trial
4/9 Class 13	N/A	<u>PRELIMINARY HEARING AND BOND REDUCTION HEARINGS</u> Groups 1 and 2	✓ Groups 1-2 prepare for Jury Trial
4/16 Class 14	N/A	<u>MOTION HEARING AND JURY INSTRUCTIONS CONFERENCE</u> Groups 1 and 2	Groups 1-2 prepare for Jury Trial
4/23 Class 15	N/A	<u>JURY TRIAL</u> Groups 1 and 2 Trial Notebook due for Groups 1 and 2	

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.

Syllabus Attachment

Spring 2020

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:	01/13/2020
Last day to add full-term course (without Dean's signature):	01/19/2020
Last day to withdraw from the University with a full refund:	01/24/2020
Last day to drop a full-term course for a credit/refund:	01/26/2020
Last day to drop a full-term course (W grade, no refund):	03/29/2020
Final examinations:	05/4—05/8/2020

Note: Please verify the above dates with the Registrar calendar and find more detailed information on deadlines at <https://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 <https://registrar.siu.edu/schedclass/index.php>.

SPRING SEMESTER HOLIDAYS

Dr. Martin Luther King, Jr. Birthday 01/20/2020
Spring Break 03/7—03/15/2020

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: <https://diversity.siu.edu/#>

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 <https://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/>

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: call(618) 453-2461, email suicare@siu.edu, or <https://salukicare.siu.edu/>

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: <https://safe.siu.edu>

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

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

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

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 SIU visit: <https://registrar.siu.edu/students/withdrawal.php>

INCOMPLETE POLICY ~ Undergraduate only

An INC grade may be assigned when, for reasons beyond their control, students engaged in passing work are unable to complete all class assignments for the course. An INC must be changed to a completed grade within one full semester (undergraduates), and one full year (graduate students), from the close of the term in which the course was taken or graduation, whichever occurs first. Should the student fail to complete the remaining course requirements within the time period designated, the incomplete will be converted to a grade of F and such grade will be computed in the student's grade point average. For more information visit: <https://registrar.siu.edu/grades/incomplete.php>

REPEAT POLICY

An undergraduate student may, for the purpose of raising a grade, enroll in a course for credit more than once. For students receiving a letter grade of A, B, C, D, or F, the course repetition must occur at Southern Illinois University Carbondale. Effective for courses taken Summer 2013 or later, only the most recent (last) grade will be calculated in the overall GPA and count toward hours earned.

This policy will be applied to all transferrable credit in that only the last grade will be used to calculate grade point average. Only those courses taken at the same institution are considered repeats under this policy. See full policy at <https://registrar.siu.edu/students/repeatclasses.php>

SIU's EARLY WARNING INTERVENTION PROGRAM (EWIP)

Students enrolled in courses participating in SIU's Early Warning Intervention Program might be contacted by University staff during a semester. More information can be found at the Core Curriculum's Overview webpage: <https://corecurriculum.siu.edu/program-overview/>

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: <https://emergency.siu.edu/>

CENTER FOR LEARNING AND SUPPORT SERVICES

Help is within reach. Learning support services offers free tutoring on campus and math labs. To find more information please visit the Center for Learning and Support Services website:

Tutoring : <https://class.siu.edu/tutoring/>

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

WRITING CENTER

The Writing Center offers free tutoring services to all SIU students and faculty. To find a Center or Schedule an appointment please visit: <https://write.siu.edu/>

GRADUATE POLICIES

Graduate policies often vary from Undergraduate policies. To view the applicable policies for graduate students, please refer to the graduate catalog at <https://gradschool.siu.edu/about-us/grad-catalog/>

Need help with an issue? Please visit SALUKI SOLUTION FINDER at <https://solutionfinder.siu.edu/>

PLAGIARISM

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

SYLLABUS ATTACHMENT
SIU SCHOOL OF LAW – SPRING 2020

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 aid 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. 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. 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) 453-5714, 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.*