

UNIVERSITY OF CINCINNATI  
COLLEGE OF LAW

TRIAL PRACTICE  
SYLLABUS

(THURSDAYS 1:30 P.M. – 4:30 P.M.)

SPRING SEMESTER  
2011

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The following texts are required for this class:

*Materials in Trial Advocacy: Problems and Cases*, Aspen Pub. 6<sup>th</sup> Ed., Mauet, T.A. & Wolfson, W.D.  
[MTA]

*Trials: Strategy, Skills, and the New Powers of Persuasion*, Aspen Pub., 2005 Ed.; Mauet, T.A. [SSP]

**COURSE OVERVIEW**

This is a “hands on” course with the bulk of class time will be allotted for student exercises, critiques of student performance and the trials. The goal of this course is for the student to apply the substantive law knowledge acquired in the previous five semesters to the applied law of the court room in this final semester of the senior year. Throughout this semester we will study every aspect of the trial process. Although we will discuss the rules of evidence pertaining to the problems this is not a substantive class on evidence and knowledge of the rules of evidence will be assumed by the instructors. The students will be expected to form teams after the first class session; most class participation will be by teams. In most instances each student on the team will be required to participate in student exercises based upon the fact pattern of one of the problems found in the *Materials* workbook. At the end of the semester each team will try one bench trial and one jury trial.

**GRADING**

Grades are earned upon the quality of your class/trial preparation, pretrial motions, if any, and class/trial performances as evaluated by your professors and/or guest judges, if any. Grades are not determined by the judgments/verdicts reached in the trials; they are determined by the student’s individual efforts during the semester and the trials, consistent with the student’s preparation and performance throughout the semester. We also value and take into consideration student improvement over the course of the semester. The grades will reflect course work and trial performance.

DATE/WEEK	TOPIC COVERED	ASSIGNMENT FOR CLASS	EXERCISES	TEAM/CASE
TH JAN 20 [1]	INTRODUCTION, GENERAL OVERVIEW OF THE TRIAL PROCESS & TEAM SELECTION	SSP: SKIM CHS. 1 AND 2; READ CAREFULLY CH. 1; PP.8-12 CH. 2; PP 17-26		THE CLASS WILL SELECT 6 TEAMS OF 2 ATTORNEYS PER TEAM FOR CLASSES 2 & 3; AND 4 TEAMS OF 3 ATTORNEYS PER TEAM FOR THE BALANCE OF THE SEMESTER, INCLUDING THE TRIALS IN WEEKS 12-15.
TH JAN 27 [2]	OPENING STATEMENT	SSP: READ CH 4 [ESP. 87– 101]  SSP: READ CH 7-7.6 PP 349-351 & SKIM 7.7 (VISUAL AIDS)	OPENING STATEMENT BY EACH TEAM– MTA <b>9.2 THOMPSON V THERMORAD PP 743-795; EXAMPLES ON CD SSP – SEE MENU</b>	TEAMS 1, 2 AND 3 REPRESENT THE PLAINTIFF; TEAMS 4,5, AND 6 REPRESENT THE DEFENDANT; ONE MEMBER FROM EACH TEAM PREPARE OPENING STATEMENT FOR THE TEAM
TH FEB 3 [3]	CLOSING ARGUMENT	SSP: READ CH 9 [ESP461 – 501]  SSP: 7.6; 358-359 & RE-SKIM 7.7 (VISUAL AIDS)	CLOSING ARGUMENT BY EACH TEAM - MTA <b>9.2 THOMPSON V THERMORAD PP 743-795; EXAMPLES ON CD SSP – SEE MENU</b>	TEAMS 4, 5 AND 6 REPRESENT PLAINTIFF; TEAMS 1, 2, AND 3 REPRESENT THE DEFENDANT; ONE OTHER MEMBER FROM EACH TEAM PREPARE CLOSING STATEMENT
TH FEB 10 [4]	EXHIBITS	SSP: READ CH 7, 7.1-7.5 & 377-385	PRESENT EXHIBITS; FOUNDATION, ETC. – MTA <b>4.1 ET SEQ.</b>	TEAM 1: 4.1, 4.3, 4.11, 4.18 TEAM 4 OPPOSE TEAM3: 4.2, 4.4, 4.7, 4.19 TEAM 2 OPPOSE EACH TEAM MEMBER LEADS IN 2 OF THE ABOVE EXERCISES
TH FEB 17 [5]	EXHIBITS	SAME AS CLASS 4	PRESENT EXHIBITS; FOUNDATION, ETC. – MTA <b>4.1 ET SEQ.</b>	TEAM 2: 4.5, 4.6, 4.12, 4.15 TEAM 3: OPPOSE TEAM4: 4.10, 4.14, 4.17, 4.20 TEAM 1: OPPOSE EACH TEAM MEMBER LEADS IN 2 OF THE ABOVE 4 EXERCISES
TH FEB 24 [6]	DIRECT AND CROSS EXAMINATION	SSP: READ CHS. 5 AND 6; THESE MATERIALS WILL BE APPLICABLE HERE AND THE THREE ENSUING WEEKS;	PRESENT DIRECT AND CROSS EXAMINATION MTA <b>3.1 ET SEQ.</b>	TEAM 1: 3.7; 3.12, 3.16 TEAM 2 OPPOSE TEAM 4: 3.8, 3.10; <u>3.13</u> TEAM 3 OPPOSE EACH TEAM MEMBER LEADS IN 1 OF THE ABOVE EXERCISES
TH MAR 3 [7]	ADVANCED DIRECT AND CROSS EXAMINATION	SAME AS CLASS 7	PRESENT DIRECT AND CROSS EXAMINATION MTA <b>7.1 ET SEQ.</b>	TEAMS 1& 3: 7.1& 7.2 (PLT) & 7.3 & 7.5 (DEF) TEAMS 2 & 4: 7.1 & 7.2 (DEF) & 7.3 & 7.5 (PLT).
TH MAR 10 [8]	IMPEACHMENT AND REHABILITATION	SAME AS CLASS 6 (ESP. PP. 202-204	IMPEACHMENT AND REHABILITATION	TEAM4; 5.2, 5.4/OPPOSE 5.1, 5.7 TEAM 3; 5.1, 5.7/ OPPOSSE 5.2,

		& 221-262)	<b>MTA 5.1 ET SEQ.</b>	5.4 TEAM 2; 5.8, 5.10/ OPPOSE 5.16, 5.10 TEAM 1: 5.16, 5.14/OPPOSE 5.8, 5.10
TH MAR 17 [9]	DIRECT AND CROSS EXPERTS	<b>SSP: READ CH. 8 –</b>	<b>EXPERT WITNESS MTA 6.1 ET SEQ.</b>	TEAM 1; 6.1, 6.4 /OPPOSE 6.5, 6.3 TEAM 4; 6.5, 6.3/ OPPOSE 6.1, 6.4 TEAM 3; 6.2, 6.6/OPPOSE 6.10, 6.12 TEAM 2; 6.10, 6.12/ OPPOSE 6.2, 6.6
TH MAR 24 [10]	*****	**NO CLASS**	*****	*****
TH MAR 31 [11]	WRAP UP SESSION: PRETRIAL MOTIONS, JURY INSTRUCTIONS	<b>SSP: READ CH. 10 EVIDENTIARY OBJECTIONS</b>	<b>MTA – READ PP. 667- 677, JURY INSTRUCTIONS</b>	TEAM 1 [PLAINTIFF] AND TEAM 2 [DEFENDANT]– <b>CASE 9.1 FOR TRIAL</b> TEAM 3 [PLAINTIFF] AND TEAM 4 [DEFENDANT] – <b>CASE 9.3 FOR TRIAL</b>
TH APR 7 [12]	<i>HUDSON</i> (BENCH TRIAL) <b>MTA 9.7</b>	TOTAL TIME FOR TRIAL 3 HRS	HAVE WITNESSES WELL PREPARED – NOTES*, BUT NO SCRIPT	1 [PLAINTIFF] V 2 [DEFENDANT]
TH, APR 14 [13]	<i>HUDSON</i> (BENCH TRIAL) <b>MTA 9.7</b>	TOTAL TIME FOR TRIAL 3 HRS	HAVE WITNESSES WELL PREPARED – NOTES*, BUT NO SCRIPT	3 [PLAINTIFF] V 4 [DEFENDANT]
TH, APR 21 [14]	<i>SMITH</i> (JURY TRIAL) <b>MTA 9.12</b>	TOTAL TIME FOR TRIAL 3 HRS	HAVE WITNESSES WELL PREPARED – NOTES*, BUT NO SCRIPT	2 [PLAINTIFF] V 3 [DEFENDANT]
TH, APR 28 [15] <sup>1</sup>	<i>SMITH</i> (JURY TRIAL) <b>MTA 9.12</b>	TOTAL TIME FOR TRIAL 3 HRS	HAVE WITNESSES WELL PREPARED – NOTES*, BUT NO SCRIPT	4 [PLAINTIFF] V 1 [DEFENDANT]

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\* Notes are not preferred, but may be used sparingly if absolutely necessary.

<sup>1</sup> This is the first reading day prior to exams. All students will be present for this trial.