

## **TRIAL PRACTICE SYLLABUS - Fall 2010**

Fridays, 2:00 – 4:45 pm

Prof. Daniel J. Donnellon, (513) 252-9458, [djd@ohioinjunctionlaw.com](mailto:djd@ohioinjunctionlaw.com)

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All classes meet in Room 204

<b><i>Date</i></b>	<b><i>Subject Matter &amp; Required Reading</i></b>
August 27, 2010	<i>Subjects:</i> Course Overview; Trial Process; Theory & Theme <i>Intro/Discussion:</i> Trial Process and the Art of Persuasion <i>Required Reading before class:</i> Mauet, Chapters 1, 2 & 3
September 3, 2010	<i>Exercise:</i> Opening Statements <i>Discussion:</i> Opening Statements In class demonstration: direct examination and exhibits <i>Required Reading before class:</i> Mauet, Chapter 4
September 10, 2010	<i>No exercise, Trial teams will be assigned</i> There will be a discussion of theory of the case, themes and labels in Competition Materials <i>Discussion:</i> Direct-Examination and presentation of exhibits <i>Required Reading before class:</i> Mauet, Chapters 5 & 6
September 17, 2010	<i>Exercise:</i> Direct Examination and presentation of exhibits <i>Discussion:</i> Cross Examination and Objections <i>Required Reading before class:</i> Mauet, Chapter 7, 10 In class demonstration: Cross Examination Student Handbook on Evidence, All
September 24, 2010	<i>Exercise:</i> Cross Examination and Re-Direct (Impeachment & Rehabilitation) <i>Discussion:</i> Closing Argument In class demonstration: closing argument <i>Required Reading before class:</i> Mauet, Chapter 9
October 1, 2010	<i>Exercise:</i> Closing Argument <i>Discussion:</i> Expert Witnesses, Motions <i>in Limine</i> or to Suppress, More on Objections <i>Required Reading before class:</i> Mauet, Chapter 8, 11
October 8, 2010	First Group Trials <i>Not a Graded Assignment</i> <i>Source Material:</i> Competition Materials
October 11-15, 2010	No Class (Fall Break)
October 22, 2010	Second Group Trials <i>Not a Graded Assignment</i> <i>Source Material:</i> Competition Materials
October 23, 2010 through Nov. 5, 2010	Competition Materials Trials <i>Final Graded Assignments</i> <i>Source Material:</i> Competition Materials

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November 12, 2010      Tentative Travel Day for Cleveland Competition

December 3, 2010      Discussion of Competition; preparation for February

### EXPLANATION OF GRADING PROCESS

- There are 4 mandatory exercises. These are ungraded exercises that will be performed in class and/or before the teaching assistants from last year's program. Assuming the Competition Materials are available in earlier September, like previous years, we will use those materials throughout class for the exercises. The exercises help shape the complete trial. I plan two opportunities to try the entire case with your teammate. The first is not a graded assignment, but it is **very important** to use the feedback for the final, graded trial. The final classroom trial will follow the format of the Cleveland competition and will comprise the other 100% of the final grade. The in class assignments and class participation will count toward an improvement of the final grade, but not a detracting.

### REQUIRED BOOKS

- 1) T. Mauet, *Trial Techniques* (7th Ed. 2007), Aspen Publishers ("Mauet").
- 2) Steven Goode and Olin Guy Wellborn III, *Courtroom Evidence Handbook*, 2010-2009 Student Edition, West Publishing Co. ("Student Handbook on Evidence")

### RECOMMENDED "EXTRA" READING

- J. McElhaney, *McElhaney's Trial Notebook* (3rd Ed., 1994), American Bar Association Section of Litigation. This is ***highly*** recommended and will be most useful in actual practice if you plan a career in civil or criminal litigation.
- Younger, *The Advocate's Deskbook: The Essentials of Trying a Case* (1988), Prentice Hall.
- T. Mauet & W. Wolfson, *Trial Evidence* (3rd Ed., 2005), Aspen Publishers.