

Course Syllabus

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TRIAL ADVOCACY I

WINTER QUARTER 2020 | Tuesdays – 5:30 P.M. to 7:20 P.M.

Trial Advocacy I is a course where you will learn and practice the basic mechanics of how trial works, developing case theory, *voir dire*, opening statements, direct examinations, admitting exhibits, impeachment of witnesses, and closing arguments. In the lecture portion, you will have the opportunity to learn the theory of trial techniques and the differing styles of how to conduct each stage of trial. In a smaller section each week, you will work with a team of two adjunct professors, who are highly experienced and widely respected judges and lawyers, to practice these skills. You will develop your own trial techniques and style, receiving direct feedback from your instructors. In addition, you will be asked to develop your unique voice in order to become a strong advocate and storyteller.

CONTACT/OFFICE HOURS:

As I am an affiliate professor, I will not be able to hold regularly scheduled office hours at school. However, I will be more than willing to schedule meetings as requested. If you would like to schedule a meeting, please e-mail me at the address listed above.

CLASS ATTENDANCE/PARTICIPATION:

Consistent attendance and participation is expected and required. The course will culminate in a mock bench trial, which you must participate in. Finally, you must also submit a courtroom observation paper.

ACCESS AND ACCOMMODATION:

Your experience in this course is important to me. If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me at your earliest convenience so we can discuss your needs.

If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations (conditions include, but not limited to; mental health, attention-related learning, learning, vision, hearing, physical, or health impacts), you are welcome to contact DRS at 011 Mary Gates Hall or 206.543.8924 or uwdrs@uw.edu or disability@uw.edu. DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.

CLASS FORMAT:

Large Lectures:

If you cannot attend a large lecture, you will watch the podcast of it and write a brief (one page, double spaced) review on the missed lecture, identifying what was helpful and what was unclear. The reviews are to be submitted via Canvas (under the "Missed Large Lecture Review" folder) and are to include your name, the date, and the subject of the missed lecture.

Small Sections:

Each Wednesday or Thursday evening, your small section will meet with for performance and critique of trial-related problems. Each small section will be taught by a highly experienced team of either prominent judges or trial attorneys. Your performances, the instructors' critiques, and the review of the recorded performances are essential to the course. Please use this as an opportunity to hone and fine tune your trial advocacy skills.

PERFORMANCE REVIEW:

Your performances for weeks 2, 3, 5, and 6 will be recorded. The instructors' critiques will follow each student's performance. Critical review of your recorded performance is one of the most important parts of the learning experience. You should review your performances each week. We also strongly encourage you to review them with another student. If you would like, you may also review your performance with Professor Delos Reyes (please schedule time via e-mail).

The Small Sections will be recorded for the instructors' critiques and the review of the recorded performances. Most (if not all) of you will likely have a smart phone or a laptop computer that has a camera with video recording capability built in. Be prepared to have them available for these recordings.

COURTROOM OBSERVATION:

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Almost every level of State and Federal Court proceedings can be found in Downtown Seattle. As part of this course, students must observe at least one hour of trial proceedings. Students may fulfill this obligation in any Municipal, District, County, State, or Federal Court. Papers must be submitted by March 20th. A grade of "incomplete" will be submitted if the paper is not received.

The following information should be included in the report:

- Name of Court and Judge
- Date of Courtroom Visit
- Overview of trial (i.e. criminal, civil, nature of charges)
- Brief description of what was observed
- Brief description of what student learned from visit (i.e. techniques that attorneys used, what seemed to work/not work, etc.)

MOCK BENCH TRIAL:

There will be two mock bench trials per small section. One trial will be held the week of February 25th and the second trial will be held the week of March 3rd. The bench trials may be held during the regularly scheduled small section, or at another time/place agreed upon by the small section students and instructors.

During the week of January 20th, the small section instructors will pair each student with a partner for the final trials and assign trial dates. Each student's partner will play the role of his/her/their witnesses on direct examination.

The bench trial performances will be followed by the judges'/instructors' critiques of the students' performances. The bench trial, with critique at the end, will likely take at least three hours, instead of the usual two hours for small sections. Therefore, students need only attend the bench trial in which they are performing as counsel/witness. If there is any scheduling conflict for your trial date, please notify your small section instructor immediately to make accommodations, if possible.

REQUIRED BOOKS:

Trial Techniques by Thomas Mauet(Aspen 10th ed., 2019).(referred to as "Mauet").

Rowe v. Pacific Quad (NITA 6thed., 2020) (mock trial case file).

RECOMMENDED:

Washington Evidenceby Karl Tegland (Thomson West).

COURSE OUTLINE

DATE TOPIC/THEME ASSIGNMENTS

	Introduction/Case Theory	<ul style="list-style-type: none"> - Why intersectionality can't wait (https://www.washingtonpost.com/news/in-theory/wp/2015/09/24/why-intersectionality-cant-wait/?utm_term=.d6e8701192ab), Kimberle Crenshaw
January 7	(with guest lecturer John Drenning, King County Department of Public Defense)	<ul style="list-style-type: none"> - Mauet, pp. 1-27 (The Trial Process / The Psychology of Persuasion) - <i>Rowe v. Pacific Quad</i>: Review all pleadings, deposition testimony.
		<p>Small Sections: Continue fact mining, using facts to construct case theory. Identify which facts that need to be addressed by case theory and/or during the course of trial. Prepare both a plaintiff and defense case theory.</p>
	Direct Examination, Exhibits, Rehabilitation	<ul style="list-style-type: none"> - Mauet, pp. 111-200; 275-285; 378-379 (Direct Examination / Exhibits) - <i>Rowe v. Pacific Quad</i>: Review all exhibits.
January 14	(with guest lecturer Aubony Burns, King County Prosecuting Attorney's Office)	<p>Small Sections: Prepare direct examinations of Gloria Warner and Stanley Schmit. Review their depositions in anticipation of both conducting direct examination and portraying them as a witness. Incorporate admitting at least one exhibit during your direct.</p>
		<ul style="list-style-type: none"> - Mauet, pp. 201-274 (Cross Examination)
January 21	Cross Examination, Exhibits, Impeachment	<p>Small Sections: Prepare cross examinations of Anna Mills and Susan Robinson. Review their depositions in anticipation of both conducting cross examination and portraying them as a witness. Incorporate impeachment of the witness in at least one chapter of your cross.</p>
January 28	Jury Selection / Implicit Bias	<ul style="list-style-type: none"> - <i>Batson v. Kentucky</i>, 476 U.S. 79, 106 S.Ct. 1712 (1986) - <i>State v. Saintcalle</i>, 178 Wash.2d 34, 309 P.3d 326 (2013)
		<ul style="list-style-type: none"> - GR 37 (https://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=GR&ruleid=gagr37) - Yes, Jury Selection Is as Racist as You Think. Now We Have Proof. (https://www.nytimes.com/2018/12/04/opinion/juries-racism-discrimination-prosecutors.html), Ronald Wright

- [Overview of the Colorado Method of Capital Voir Dire](http://www.nhd.uscourts.gov/pdf/FPI/Overview%20CO%20Method%20Capital%20Voir%20Dire.pdf) (<http://www.nhd.uscourts.gov/pdf/FPI/Overview%20CO%20Method%20Capital%20Voir%20Dire.pdf>), Matthew Rubenstein
- *Rowe v. Pacific Quad*: Review Jury Instructions, Verdict Forms.

Small Sections: Prepare a line of voir dire questioning, consistent with your case theory (both plaintiff and defense).

Opening
February Statement
4

- Mauet, pp. 75-109 (Opening Statements)

Small Sections: Prepare an opening statement (side for each student TBD).

Closing
February Arguments
11

- Mauet, pp. 447-510 (Closing Arguments)

Small Sections: Prepare your closing argument (side for each student TBD).

Objections, Pre-
Trial/Preliminary
February Hearings
18

- Mauet, pp. 511-557 (Objections)

Small Sections: Students shall be prepared to lay a foundation for and argue for the admission of exhibits relative to their respective side. Students shall also prepare objections and arguments against the admission of their opponent's exhibits (roles of students TBD).

February Bench Trials
25

NO SMALL SECTIONS

March 3 Bench Trials

NO SMALL SECTIONS

March 10 Final Discussion

NO SMALL SECTIONS

Course Summary:

Date	Details	Due
Fri Mar 20, 2020	 Courtroom Hearing Observations (https://canvas.uw.edu/courses/1356028/assignments/5261350)	due by 4:30pm
	 Missed Large Lecture Review (https://canvas.uw.edu/courses/1356028/assignments/5198939)	