



ACADEMIC COURSE SYLLABUS

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| COURSE TITLE: | TRIAL PRACTICE |
| COURSE NUMBER: | LAW E541 |
| UNITS: | 3 |
| COURSE TYPE: | Elective |
| CO-PROFESSORS NAMES: | Brendan M. Kunkle, Esq., and Michael D. Green, Esq. |
| PROFESSORS CONTACT INFO: | Brendan M. Kunkle, Esq. Off: 707-542-5050 Cell: 707-484-5036 Michael D. Green, Esq. Off: 707-542-5050 Cell: 707-758-9020 |
| SCHEDULE: | Fall 2018, Wednesdays 6-9:00 pm Room: Courtroom Department, IMPORTANT: First night Wed. 9/5/18 --meet in Empire College lobby at 5:45pm to walk over to courtroom as a group. |
| PREREQUISITES: | Completion of first-year required coursework, LAW 600A/B–Civil Procedure, and LAW 601A/B–Evidence. |
| COREQUISITES: | None |
| TEXTS AND MATERIALS: | Materials In Trial Advocacy – Problems And Cases (8th Edition) by Thomas A. Mauet and Warren D. Wolfson, 2015, Aspen Law and Business, Publishers ISBN13: 9781454852032 Trial Techniques (9TH Edition) by Thomas A. Mauet. , Aspen Law and Business Publishers, 2013, ISBN-13: 978-1454822332 or ISBN-10: 1454822333 |
| COURSE DESCRIPTION: | This course consists of an intensive trial practice exercise featuring lectures, demonstrations, and classroom exercises. The student gains classroom experience in trial procedures from voir dire examination, opening statements, direct- and cross-examination through final argument. |
| COURSE OBJECTIVES / ANTICIPATED LEARNING OUTCOMES: | <ol style="list-style-type: none"> 1. Students will gain basic knowledge of legal concepts inherent in the civil (and criminal) jury trial process. 2. Students will gain basic knowledge of the procedural and evidentiary rules which govern the jury trial process. 3. Students will begin learning techniques and strategies for presenting and opposing a case before a jury. 4. Students will participate as counsel in one mock jury trial and observe several other mock jury trials. <p>Students should expect to spend a <u>minimum</u> of two hours/per hour of instruction time on assigned readings and briefing cases. For example, a 3-hour class would require at least 6 hours of outside preparation time per week.</p> |
| FORMAT OVERVIEW / METHOD OF INSTRUCTION: | Course material will be presented in a lecture-discussion and Socratic method format. Students should brief all assigned cases, and read all other assigned materials Be prepared to discuss cases (including concurring and dissenting opinions) and other readings assigned for each class. |
| EXAMS: | Mock Trial is the final in this course. |

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| | <p>In general, exams begin promptly at 6 p.m. Take-home exams and papers must be submitted to the Law School office by 6 p.m. on the due date, unless otherwise noted. All students must take examinations as scheduled. It is recognized that in special circumstances and due to emergencies, it may be necessary to schedule delayed examinations. An emergency is defined as a serious illness or injury to the student or a member of his or her immediate family. Special Circumstances are defined as other situations that, in the opinion of the Dean, are sufficient to warrant delay in taking examinations. Any student taking delayed examinations <u>must have the prior written approval of the Dean.</u> No examination may be taken <i>prior</i> to the day of the regularly scheduled examination. If delayed examinations are approved by the Dean, <u>a fee of \$75 will be charged for each such exam taken.</u> Failure to complete an exam is not sufficient reason for a late or retake exam.</p> |
| <p>GRADING / ASSESSMENT CRITERIA:</p> | <p>This class is graded as follows: <u>Pass/Fail Classes:</u> 65 - 100 P Pass/Credit 64 and below F Fail/No Credit</p> <p><u>Grading Breakdown:</u> Mock Trial is the final in this course. Participation and the final mock trial determine 100% of the grade in this course. Both the quantity and quality of participation will be considered.</p> |
| <p>ATTENDANCE:</p> | <p>Regular and punctual attendance is <u>essential</u> for the successful completion of law school. Students should plan to attend every class. Students must attend a minimum of 80% of class hours of the class sessions during each semester. Roll will be taken at each class. Class attendance is of particular importance in learning the language and concepts of the law. Roll will be taken at each class.</p> <p>Make-up classes may be scheduled on evenings when classes are not usually held, on weekends, or made up on another night by staying longer. Class sessions that are delayed or canceled because of holidays or policy of Empire College School of Law, and are re-scheduled for a different date are considered regularly scheduled class sessions, not make-up classes. A student who has exceeded the absence limits outlined will be automatically dropped from the course. A student who is dropped from a course will be required to repeat the course at its next offering in order to meet graduation requirements.</p> <p>ADDED: Students who arrive excessively late, as determined by the instructor, or who leave class before it is dismissed by the instructor, will not be counted as present for that class session. Students may miss a maximum of 2 class sessions during the semester and must participate in mock trial.</p> |

| ASSIGNMENTS: | SUBJECT | MATERIALS IN TRIAL ADVOCACY | TRIAL TECHNIQUES |
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| Class 1: 9/5/18 | Orientation | | Ch. I |
| Class 2: 9/12/18 | Jury Selection-Motions in Limine | Ch. I | Ch. II and III |
| Class 3: 9/19/18 | Opening Statements | Ch. II | Ch. IV |
| Class 4: 9/26/18 | Direct & Cross-Examination | Ch. III and VII | Ch. V & VII (§7.1-§7.6) |
| Class 5: 10/3/18 | Demonstrative Evidence | Ch. IV | Ch. VI |
| Class 6: 10/10/18 | Impeachment & Rehab | Ch. V | Ch. VII (§7.7-§7.10) |
| Class 7: 10/17/18 | Expert Witnesses | Ch. VI | Ch. VIII |
| Class 8: 10/24/18 | Closing Arguments | Ch. VIII | Ch. IX |
| Class 9: 10/31/18 | Trial | | |
| Class 10: 11/7/18 | Trial | | |
| Class 11: 11/14/18 | Trial | | |
| Class 12: 11/21/18 | Trial | | |
| Class 13: 11/28/18 | Trial | | |
| Class 14: 12/5/18 | As Necessary-TBD | | |
| <u>Final Exam:</u> N/A Exam period runs 12/10 thru 12/20/18 | Mock Trial is the final in this course. | | |

Syllabi subject to change.