

**ADVANCED TRIAL ADVOCACY
FALL 2012
SYLLABUS**

Thursdays, 6:05 – 7:45 p.m., Room 301

This course is intended to teach additional trial skills for those students interested in trial practice. The emphasis will be almost entirely on civil trials, although the skills learned will be useful in criminal trials as well. The course will focus on practice exercises and will seek to hone and add to the skills you learned in the basic class. If you took my basic trial advocacy class, some of the exercises may be familiar to you, and I will endeavor to find different exercises so as to avoid repetition.

This syllabus is tentative and will change over the course of the semester. *So please be sure to check the TWEN site weekly for updates and changes to the assignments.* Other important information regarding policies and procedures appears at the end of this document.

| Date | Assignment |
|--------------------|--|
| August 30 | Introductions Be prepared to teach the class something (anything) for 10 minutes. |
| September 6 | F.R.E. Lightning Round Getting Evidence In and Overcoming Objections Read Mauet §§ 6.1-6.3 Familiarize yourself with the <i>Flightworthy</i> problem (posted on the TWEN site) and be prepared to get any of the exhibits admitted. Also be prepared to object to the admission of any exhibit. |

| Date | Assignment |
|--------------|---|
| September 13 | <p>Depositions</p> <p>Read Mauet Section II: “Do it Yourself Guide to Taking Depositions”; and “Defending Depositions.” These two papers will be posted on the TWEN site. They are old, but still relevant. Familiarize yourself with the current versions of the rules cited in the papers.</p> <p>Read the background material on the practice case (also posted) and be prepared to take (and defend) a short deposition of L. Phipps.</p> |
| September 20 | <p>Depositions (cont.’d)</p> <p>Deposition critique</p> <p>Read Mauet Section 7.7.</p> <p>Review your deposition transcript and prepare a cross examination based on that transcript. Be prepared to impeach the witness using the transcript when he changes his testimony.</p> |
| September 27 | <p>Voir Dire</p> <p>Read Mauet Chapter III.</p> <p>Be prepared to choose a jury <i>Myrick v. Mission Viejo</i> (this is the same case that was used for the deposition exercise).</p> <p>Students will be assigned to either plaintiff or defense teams.</p> <p>**Each of you MUST bring TWO people to class to act as jurors for this exercise**</p> |
| October 4 | <p>Critique of Voir Dire</p> <p>Deposition Impeachment (continued, if necessary).</p> |

| Date | Assignment |
|--------------------|--|
| October 11 | <p>Opening Statements</p> <p>Read Mauet Chapter IV.</p> <p>Read one of several articles concerning a current legal issue. Choose one article and prepare an opening statement based on the article's facts.</p> |
| October 18 | <p>Objections and Evidence Refresher (no reading assignment)</p> |
| October 25 | <p>Direct and Cross Examination Drills by a surprise guest-speaker. Skim Mauet Chapters V (Sections 5.1 – 5.3) and VII (Sections 7.1 – 7.6 and 7.8).</p> |
| November 1 | <p>Experts: Review <i>Jerry's Wiring</i> problem (to be posted). Read Mauet Chapter VIII.</p> <p>Be prepared to conduct a direct or cross examination of Plaintiff's expert. (Students will be assigned to plaintiff or defense side.)</p> |
| November 8 | <p>Trial Graphics</p> <p>Read Mauet Section 6.4. Nicole Rullet of Z-Axis will make a presentation showing you the latest available technology in trial graphics.</p> <p>Discussion of Final Trial</p> |
| November 15 | <p>Pre Trial Motions and Begin Final Trial <i>Bio Solutions, Inc. v. O'Malley</i></p> |
| November 29 | <p>Final Trial</p> |
| December 6 | <p>Critique of final trial</p> |

Other Information

Office Hours: Office hours are by appointment. You should always feel free to contact me by email with any questions. ericelliff@mac.com or jericelliff@judicial.state.co.us. You may also call or text me at (303) 810-9663.

Policies: I will follow University and Law School policies with respect to any requests for special accommodations, classroom behavior, discrimination, and honor code issues. Information regarding these policies may be found at the websites listed below.

Disability Accommodations: www.colorado.edu/disabilityservices.

Religious Observances: www.colorado.edu/policies/fac_relig.html.

Classroom Behavior: www.colorado.edu/policies/classbehavior.html.

Discrimination and Harassment: www.colorado.edu/odh.

Honor Code: www.colorado.edu/policies/honor.html and www.colorado.edu/academics/honorcode/.