

UC BERKELEY BOALT HALL
LAW 245.8 - ADVANCED TRIAL PRACTICE

Instructors:

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Course Description:

Advanced Trial Practice is an advanced advocacy course, focusing on persuasive strategies and techniques in civil trials. The curriculum is designed as a “learning by doing,” rather than “learning by listening” course. Students will develop advanced skills in preparing themes and theories, making strategic choices about case presentation, conducting direct and cross examinations, delivering opening and closing arguments, admitting and using exhibits and other visual aids, and conducting voir dire. Students will also receive training on controlling difficult or uncooperative witnesses on direct and cross examination.

Class Overview:

At the end of the semester, you and a partner will try a case – from opening statement to summation.

Course Materials:

- 1) [Trial Advocacy: Planning Analysis & Strategy, Third Edition](#)
Marilyn J. Berger, John B. Mitchell, Ronald H. Clark, - ISBN 978073559816
- 2) [In the Interest of Grace Kyles, People v. Cynthia Kyles](#)
Richard Cozzola and Timothy McDonald - ISBN 9781556816680

Schedule:

Topic	Date	Areas Covered / Presentations & Exercises
Introduction	January 11	Overview of the class. Discussion Class Structure How did we get here? <i>Exercises: Theme / theory development.</i>
	January 18	Discussion: Opening statements. <i>Exercises: Opening Statements.</i>
	January 25	<i>Presentations: Brief Opening Statements</i>

Topic	Date	Areas Covered / Presentations & Exercises
Presenting Your Case	February 1	Advanced Direct Examination – Methods, tactics, strategies. <i>Exercises: Questioning drills, direct examinations.</i> Discussion: Direct examination, fact witnesses.
	February 8	<i>Presentations: Direct examinations, facts witnesses.</i> Discussion: Direct examination with Exhibits.
Attacking the Opposing Case	February 15	Cross examination – Methods, tactics, strategies. <i>Exercises: Questioning drills.</i> Discussion: Cross examination, fact witnesses.
	February 22	<i>Presentations: Cross examinations with exhibits, fact witnesses.</i> Discussion: Cross examination.
	February 29	Advanced Direct Examination of Experts– Methods, tactics, strategies. <i>Exercises: Questioning drills, direct examinations.</i> Discussion: Direct examination, expert witnesses.
	March 7	Advanced Cross Examination of Experts– Methods, tactics, strategies. <i>Exercises: Questioning drills, direct examinations.</i> Discussion: Cross examination, expert witnesses.
	March 14	<i>Presentations: Closing arguments.</i> Discussion: Closing arguments.
Argument	March 21	<i>Presentations: Closing arguments (cont.).</i>
	*March 28	Spring Break
	April 4	Discussion: The Basics of Jury Selection & Voir Dire <i>Exercises: Voir Dire Workshop</i>
	April 11	Discussion: The Basics of Jury Selection & Voir Dire <i>Exercises: Voir Dire Workshop(cont.)</i>
	April 18	<i>Presentations: Pieces from final trial (students' choice)</i> Discussion: Questions about final trials/review.
FINAL TRIALS	April 21 & 22	
	April 25	Final Class Meeting.

Grading:

Grading will be based on your performance of trial pieces (50% for during the semester pieces, 25% for the final trial), as well as on in-class participation (25%). Because the class is collaborative and constructive in nature, your performances will be evaluated based not only on the quality of the presentation (*e.g.*, executing trial advocacy techniques), but also on the improvement that a current presentation represents over prior presentations. Thus, a key element of the class is your ability to respond to and incorporate constructive criticism from the instructors and guests.

During the semester, you will perform pieces in every class, and will also have a final trial at the end of the semester.