

CIVIL TRIAL PRACTICE, SPRING 2012  
(245.2, SEC. 2)

***Professors:***

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The Honorable Laurel Beeler  
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***Office Hours:***

Weekly at 2:30 p.m. or shortly thereafter at Café Zeb. However, it is preferable to contact us and set an appointment, as our schedules change due to trials, travel, etc.

***Introduction and Overview:***

This class is designed as a “learning by doing,” rather than “learning by listening” course. Students will develop practical 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 motions in limine. Students will receive nuts-and-bolts training on matters such as how to control difficult or uncooperative witnesses, use of exhibits during trial and presenting expert testimony.

***Course Materials:***

***Casebook:***

National Institute of Trial Advocacy – “Dixon v. Providential Life”

Assignments and reading materials will be distributed and/or posted to BSpace as the semester progresses.

### ***Grading:***

Grading will be based on your performance of trial pieces (50% for pieces during the semester, 50% for the final trial).

Because the class is a collaborative and constructive in nature, your work will be evaluated based not only on the quality of the presentation (*e.g.*, executing basic trial advocacy techniques), but also on the improvement that a current presentation has over prior presentations.

**Remember, you have no real clients in this class. Be willing to take risks.**

### ***Class Schedule (subject to change)***

#### **I. Welcome to trial.**

##### **January 12, 2011– Anatomy of Trial**

*Assignment for next week:* Lubet Chapters 1-4.  
- Nita Liquor Commission v. Cut-Rate  
- Meyers v. NITA Day School

#### **II. Direct Examination – Lay Witnesses**

##### **January 19, 2011 – Direct Exam**

*Assignment for next week:* Reed Chapter 4.  
Lubet Chapter 9.  
- Quinlan v. Kane Electronics  
- State v. Williams

##### **January 26, 2011 - Direct Exam With Objections**

*Assignment for next week:* Lubet Chapter 10.  
Reed Chapter 7.  
- Brown v. Byrd (Photos)  
- Cipriano v. Byrne (Baseball Bat)  
- MacArthur v. Rodgers (Printout)

### III. Getting Your Evidence To The Jury

#### **February 2, 2011 - Demonstrative Exhibits/Documents/Things**

*Assignment for next week:* Reed Chapter 7.  
- Gilton v. Nita Beverages (Photo)  
- US v. Potter & Dobbs (Drugs)  
- Quinlan v. Kane Electronics (Letters)

#### **February 9, 2011 - Exhibits/Documents/Things (cont.)**

*Assignment for next week:* Lubet Chapter 8.  
- McCarthur v. Rodgers (Kristen Lovell)  
- Nita Sports and Expo Authority v. Parsons (Matson)

### IV. Direct Examination – Expert Witnesses

#### **February 16, 2011– Direct Exam of Experts**

*Assignment for next week:* - Jerry's Wiring v. Smith (Accountants)  
- Jenkins v. Manchester (Saul Winer)

#### **February 23, 2011 – Direct Exam of Experts With Demonstrative Aids**

*Assignment for next week:* Lubet Chapter 5-6.  
- Quinlan v. Kane Electronics  
- State v. Williams  
- Meyers v. Nita Day School

### V. Cross Examination – Lay and Expert Witnesses

#### **March 1, 2011 – Cross-Exam and Impeachment**

*Assignment for next week:* Reed Chapter 5.  
- McCarthur v. Rodgers (Kristen Lovell)  
- Nita Sports and Expo Authority v. Parsons (Matson)

**March 8, 2011 – Cross-Exam of Experts**

*Assignment for next week:* Lubet Chapter 12.  
Reed Chapter 3.

**VI. Opening Statement and Closing Argument**

**March 15, 2011 – Opening Statement And Setting the Stage**

*Assignment for next week:* TBA

**March 22, 2011 – Opening Statement (cont.)**

*Assignment for next week:* Reed Chapter 6.  
Lubet Chapter 13.

**April 5, 2011 – Closing Argument, Themes and Theories**

*Assignment for next week:* Prepare a visual presentation to accompany your closing.

**April 12, 2011 – Closing Argument And Visual Aids**

*Assignment for next week:* Prepare a Trial Notebook.

**VII. Putting it All Together**

**April 19, 2011 – Review/Motions In Limine/Trial Notebooks**

**VII. Final Trials**

**April 21-22, 2011 – Time and Location TBA**