

Criminal Pre-Trial Advocacy—Criminal Procedure Lab
Profs. Leonida, Smock & Weisselberg
Spring 2013

Class	Class Topic or Exercises	Assignment for next week
		To read before the first class: Syllabus; Readings on the role of prosecution and defense counsel (ABA Prosecution Function & Defense Function; Cal. B&P Code sec. 6068)
1 Jan. 9	Introduction to the course, faculty and students; overview of pre-trial proceedings; role of prosecution and defense counsel; state & federal practice	Readings on discovery (CEB Criminal Law, Procedure & Practice secs. 11.2, 11.5, 11.7, 11.10, 11.26; <i>Kyles v. Whitley</i> , <i>Smith v. Cain</i> , <i>People v. Wheeler</i>)
2 Jan. 16	Overview of criminal discovery and motion practice (state and federal); pair students as prosecution and defense counsel; distribute case files	Read case files; prosecutors write memos to file discussing items of evidence they intend to disclose; defense lawyers write letters to prosecutors requesting discovery (simultaneously); papers are due 48 hours before class
3 Jan. 23 (EVL absent)	Discussion of memos and letters; identification of major issues for discovery motions	Defense lawyers write motions for discovery; prosecutors write oppositions to motions (simultaneously); papers are due 48 hours before next class
4 Jan. 30	Students argue discovery motions	Readings on pre-trial detention, including detention exercise
5 Feb. 6 (CW absent)	Discovery wrap up; detention exercise; case files distributed for search and seizure motions	Read case files; Fed. R. Crim. P. & N.D. Cal. rules, as assigned
6 Feb. 13	Introduction to search and seizure suppression motions; brainstorming sessions with prosecution and defense counsel	Defense lawyers write motions to suppress; prosecution lawyers read materials on examining witnesses
7 Feb 20	Discussion of federal motion hearing practice; defense lawyers serve motions on prosecutors	Prosecutors write oppositions to motions to suppress; defense lawyers read materials on examining witnesses
8 Feb. 27	Motion hearing practice, cont'd; evidence and witness workshop; prosecutors serve oppositions to motions to suppress	Preparation for motion hearings
9 Mar. 6	Motion hearings (including witnesses and argument); students receive new case files	Review new case files; prepare to discuss issues to litigate on motions to suppress statements

10 Mar. 13	Brainstorming and identification of issues for motions to suppress statements (with prosecutors and defense lawyers in separate groups)	Defense lawyers write motions to suppress statements
11 Mar. 20	Discussion of litigation of motions to suppress statements in state court; defense lawyers serve motions	Prosecutors write oppositions to motions to suppress statements
Mar. 27	Spring Break	
12 Apr. 3	Evidence and witness workshop, part 2; prosecutors serve oppositions to motions to suppress	Preparation for motion hearings
13 Apr. 10	Motion hearings for half the class (including at least 1 witness and argument)	Preparation for motion hearings
14 Apr. 17	Motion hearings for the other half of the class (including at least 1 witness and argument)	