

Political Science 119.01:ST: Advanced Mock Trial

Fall 2016

Paul Dominick, Esquire

I. Contact Information

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The instructor will be available outside of normal class time to help practices, critique, and answer questions. The times the instructor will be available will vary from week to week.

II. Course Description

The goal of Advanced Mock Trial is to give undergraduate students an opportunity to learn the work of trial attorneys, understand the judicial system, develop critical thinking skills, and enhance communication skills. Further, it is to facilitate the growth of the individual student as a person able to work with and support others, as a knowledgeable citizen acquainted with the legal system, and as a community leader. This will occur in conjunction with the annual mock trial's case analysis and Spring semester tournament activities.

III. Required Texts

Mock Trials: Preparing, Presenting, and Winning Your Case ("MT")

Steven Lubet and Jill Trumbull-Harris (2001)

American Mock Trial Association 2016-2017 Case Materials*

American Mock Trial Association “Midlands Rules of Evidence”*

*Access to these materials will be provided by the instructor. You must bring a copy of these materials with you to each and every class.

IV. Classes

Maybank Hall-Room 307

Mondays 5:30 pm – 8:15 pm

Format: We will be moving very quickly at the beginning of the semester to learn the trial format, rules of evidence, and how to write and prepare your case. The remainder of the semester will be practicing and critiquing each performance so that we can be the best we can be at competition.

V. Professionalism, Teamwork, and Dedication

Professionalism is of utmost importance. Civility is becoming a lost art, but it is imperative that our team exudes respect for one another and a firm commitment to the mantra *all for one, one for all*. The instructor will not tolerate hostility amongst teammates.

Furthermore, respect and civility to the courts, the bar, and the finest of institutions the College of Charleston must be adhered to.

A mock trial team is very much like a sports team. Each player must trust each and every team member in order to prove successful in our arena, the courtroom.

It is absolutely imperative that each team member be present and prepared for every class. It is impossible for the team to practice when members are not present.

Professional attire (suits) must be worn at competition and certain practices. If you do not have a suit, now is the time to invest in one. If you cannot afford a suit at this time, please let me know privately.

In competition you will be representing the College of Charleston. Students whose actions are inconsistent with that required by the College of Charleston Student Handbook, Student Code of Conduct, or Honor Code will face appropriate sanctions which may include suspension from the school.

VI. Grades

Semester Grades will be determined by the following criteria:

Competition Performance: (60%)

Class Participation*: (40%)

Important information about grades!

Your final grade in this course (denoted at the end of the semester) will reflect your grade from class participation and the evidence exam. Your grade is subject to change after the competitions! Once the competition has occurred, I reserve the discretion to **increase** or **decrease** your grade based on your competition performance and participation.

If you have any questions regarding this policy please contact the instructor or Gibbs Knotts.

*Class participation includes: attendance, preparedness, promptness, professionalism, and willingness to work outside of class. Public speaking is required each class!

VII. Competition(s)

We will participate in a regional competition in late January or February 2017.

National Championship – TBA

National Tournament – TBA

Invitational Tournaments – TBA

The dates associated with these events will be announced once the information becomes available.

VIII. American Mock Trial Association (AMTA)

To access the AMTA website, go to <http://www.collegemocktrial.org>. This year's password information will be sent to you via electronic mail. It is your responsibility to download or otherwise have access to the case materials, as well as the AMTA rulebook and Rules of Evidence.

College of Charleston Honor Code

Lying, cheating, attempted cheating, and plagiarism are violations of our Honor Code that, when identified, are investigated. Each incident will be examined to determine the degree of deception involved.

Incidents where the instructor determines the student's actions are related more to a misunderstanding will be handled by the instructor. A written intervention designed to help prevent the student from repeating the error will be given to the student. The intervention, submitted by form and signed both by the instructor and the student, will be forwarded to the Dean of Students and placed in the student's file.

Cases of suspected academic dishonesty will be reported directly by the instructor and/or others having knowledge of the incident to the Dean of Students. A student found responsible by the Honor Board for academic dishonesty will receive a XF in the course, indicating failure of the course due to academic dishonesty. This grade will appear on the student's transcript for two years after which the student may petition for the X to be expunged. The student may also be placed on disciplinary probation, suspended (temporary removal) or expelled (permanent removal) from the College by the Honor Board.

Students should be aware that unauthorized collaboration--working together without permission-- is a form of cheating. Unless the instructor specifies that students can work together on an assignment, quiz and/or test, no collaboration during the completion of the assignment is permitted. Other forms of cheating include possessing or using an unauthorized study aid (which could include accessing information via a cell phone or computer),

copying from others' exams, fabricating data, and giving unauthorized assistance.

Research conducted and/or papers written for other classes cannot be used in whole or in part for any assignment in this class without obtaining prior permission from the instructor.

Course Calendar

(Subject to Change)

August 29 – Introduction to Mock Trial: The Basics

Reading: Text book pp. 1-44; Midlands Rules of Evidence (can be found at collegemocktrial.org); Entire Case Record (*Riley Winter v. TBD, Inc.*).

Preparation: Prepare to introduce yourself to your new team and coach! Prepare to start working and taking notes on case. Start organizing a case notebook.

Class: Introduction to course, mock trial, and the team. Lecture: Overview of Trial; Overview of Rules of Evidence; The Opening Statement.

September 5-NO CLASS-Labor Day

September 12: Opening Statement

Reading: MT pp. 239-258

Preparation: Organize Trial Notebook; Prepare Order of Proof; Prepare Opening Statement (do this week's assignment **on your own**)

Class: Present Opening Statements
The remainder of the class will be spent on rules of evidence, trial strategy; and team assignments. Quick introduction to direct examination.

September 19: Direct Examination

Reading: MT pp. 57-88; Re-read Rules of Evidence outlined by instructor

Preparation: Prepare Direct Examination of one witness

Class: Present Direct Examination of one witness
Remainder of class will be spent working on Case preparation, theory, and rules of evidence.

September 26: Direct Examination Continued: Experts & Exhibits

Reading: MT pp. 89-125; 177-203

Preparation: Prepare Direct Examination of one expert witness

Class: Present Direct Examination of one expert witness
Remainder of class will be spent working on Rules of Evidence and cross examination

October 3: Cross Examination

Reading: MT pp. 127-169; watch Irving Younger's 10 Commandments of Cross Examination (available on YouTube)

Preparation: Prepare cross examination of one witness of your choice

Class: Present Direct examination then cross examination

October 10: Objection Your Honor!

Reading: MT pp. 205-238; Re-read Midland Rules of Evidence (even if you have done so one million times before)

Preparation: Study the rules of evidence! Examine witness affidavits for objectionable material. Ask yourself, how would I respond to that objection?

Class: **Evidence and Objection Exam!**

Remainder of class will be spent splitting off into groups and working on weaknesses. The professor will work with closing attorneys.

October 17: Closing Arguments

Reading: MT pp. 259 - 291

Preparation: Each non-closing attorney or witness will assist the closing attorneys in preparing their closings. Make evidence scenarios for closing attorneys.

Class: Closing attorneys will present closings.
The remainder of the class will be devoted to the attorneys working on their weakest points. The professor will work with the attorneys, and we will have someone from the theater department critique the witnesses.

October 24:

Read: MT pp. 45-56

SCRIMMAGE

October 31

SCRIMMAGE

November 7

FALL BREAK

November 14

SCRIMMAGE

November 21

SCRIMMAGE

November 28

SCRIMMAGE

December 5

FINAL CLASS---SCRIMMAGE

Winter Break Instructions