

CRIMINAL TRIAL PRACTICE

Spring 2016

Judge Halim Dhanidina
Adjunct Professor
Western State College of Law

COURSE MEETING TIMES AND LOCATION:

Session: Spring 2016
Times: 6:40 p.m. to 9:50 p.m.

Days: Wednesdays
Location: TBD

CONTACT INFORMATION:

Email: hdhanidina@yahoo.com

OFFICE HOURS:

By appointment in the hour before class.

COURSE DESCRIPTION:

Analyze the components of a civil trial and prepare the student for conducting a civil jury trial.

LEARNING GOALS:

Upon successful completion of the course, students should be able to:

- A. Identify the components of a criminal jury trial.
- B. Know how to perform opening statement, direct and cross examination and closing statement.
- C. Feel confident when walking into a criminal trial courtroom with the ability to conduct a criminal trial.

REQUIRED RESOURCES:

1. Required Reading Materials

a) *Trial Techniques and Trials, 9th Edition* by: Thomas A. Mauet, Walters Kluwer Law and Business Publishing Company

b) *Materials in Trial Advocacy, 8th Edition* by: Thomas A. Mauet, Warren D. Wolfson, and Stephen D. Easton

LEARNING ACTIVITIES:

1. Attendance and Class Participation – All students are expected to come to class each night prepared to discuss the assigned readings and participate in class exercises. In each class, any student can expect to be called upon to lead the discussion on one or more of the readings and to answer questions posed by the professor and other students. Class participation will count toward the final grade in the class. For this reason, attendance is mandatory. Only one (1) unexcused absence will be tolerated. Two or more unexcused absences may result in a student receiving a failing grade in the course. Three absences of any kind will result in a failing grade per school policy. Students are warned that the quantity of class participation is not determinative of a student's ability to earn credit for class participation; rather, the *quality* of participation is also taken into account.
2. Readings Assignments – Unless otherwise specifically assigned, reading assignments are taken from the required resources specified above. The reading assignments listed for each class are those readings which a student must complete *before* the class in order to be prepared for class that week.
3. Exam – There will be no formal final exam. Your course grade will be made up of class participation, demonstrating you have read the material and participation in class performances as well as the final mock trial.

FINAL COURSE GRADES:

Students will receive a Pass or Fail grade.

A Pass Grade will be based upon the following criteria: work demonstrates a mastery of the subject matter for the college level; meets all course expectations promptly; shows reasonable grasp of concepts and demonstrates ability to synthesize materials from both inside and outside the classroom; participates regularly and enthusiastically in classroom.

A Fail Grade will be based upon the following criteria; work below that which one would normally expect from a student at this level of a college career; performance fails to demonstrate a reasonable grasp of the material for the college level; student fails to participate appropriately in class; alternatively, regardless of the quality of a student's work, this grade may be assigned for failure to comply with the attendance and participation policy for the course.

ATTENDANCE.

The College of Law requires regular and punctual class attendance of students. Satisfactory attendance in a course means attending at least 85% of scheduled classes during the semester. The percentage of absences is intended to account for the occurrence of unplanned events. If the student has an extended illness or absence due

to religious observance, special arrangements may be made with the instructor to enable student to satisfy the attendance requirement. Individual professors have discretion to require a higher percentage of attendance upon written notice to the students.

A student must attend the class for which he or she is registered. If a student fails to satisfy the attendance requirement in a required course, a limited enrollment course or an externship, the student shall be excluded from the remainder of classes or course sessions and shall receive a failing grade designated as AF on his or her transcript. If the course exclusion results in fewer than twelve (12) units for a full time student or eight (8) units for a part time student, financial aid may be affected.

DISABILITY SERVICES STATEMENT:

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Second Floor Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Associate Dean of Students Charles Sheppard at csheppard@wsulaw.edu or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

Students with special, diagnosed learning needs should arrange to meet their professors at the earliest possible time to arrange for reasonable accommodations for their learning needs. Please be advised that it is the student's responsibility to notify me in advance of any need for accommodation of a disability that has been verified by the University.

ADDITIONAL INFORMATION:

1. Please ***turn off all cell phones and pagers before class begins***. While the professor understands that sometimes people forget to do so, it is unacceptable to actually *use* a cell phone during class. Students who talk on their phones during class or who text-message while in class may be banished from class, and for repeated violations may be failed.

2. No individualized "extra-credit" work will be permitted.
3. This course does involve lecture, as well as in class – live presentations by the students. Students will be expected to stand in front of class and perform opening statements, direct examination/cross examination & closing arguments. A failure to perform can result in a failing grade.

COURSE SCHEDULE & ASSIGNMENTS:

CLASS/DATE	TOPIC	READING ASSIGNMENT:
1. January 20, 2016	Introduction, The Trial Process, Being a Trial Lawyer	Chapter 1 Pgs. 1-11 TTT
2. February 3, 2016	The Psychology of Persuasion Opening Statements	Chapter 2 Pgs. 13-27 TTT Chapter 4 Pgs. 73-105 TTT
3. February 10, 2016	Opening Statement	Mock Exercises 1.6 MTA 1.8 MTA
4. February 17, 2016	Direct Examinations	Chapter 5 Pgs. 109-196 TTT 3.3 MTA 3.4 MTA 3.6 MTA 3.9 MTA 3.10 MTA 3.11 MTA 3.13 MTA 3.16 MTA 3.18 MTA
5. February 24, 2016	Exhibits and Visual Aids Experts	Chapter 7 Pgs. 271-375 TTT Chapter 8 Pgs. 377-442 TTT 4.1 MTA 4.2 MTA 4.3 MTA 4.8 MTA 4.9 MTA 4.10 MTA 4.12 MTA 4.13 MTA 6.2 MTA 6.7 MTA 6.10 MTA 6.11 MTA
6. March 2, 2016	Cross Examinations	Chapter 6 Pgs. 197-270 TTT 5.4 MTA 5.5 MTA 5.8 MTA 5.13 MTA

		5.19 MTA 5.20 MTA 5.22 MTA
7. March 16, 2016	Direct and Cross Examinations	Mock Exercises
8. March 23, 2016	Direct and Cross Examinations	Mock Exercises (cont.)
9. March 30, 2016	Closing Argument	Chapter 9 Pgs. 443-504 8.4 MTA 8.5 MTA 8.6 MTA
10. April 6, 2016	Closing Argument	Mock Exercises
11. April 13, 2016	Final Trial	State v. Rausch MTA
12. April 20, 2016	Final Trial	State v. Hudson MTA
13. April 27, 2016	Final Trial	State v. Miller MTA
14. May 4, 2016	Final Trial	State v. Smithton MTA