

WESTERN STATE UNIVERSITY COLLEGE OF LAW

CRIMINAL TRIAL PRACTICE 489 A & B SPRING 2014

Class 489A: Wednesday 6:30 PM – 9:45 PM
Moot Court Room – 4th Floor - Western State Campus

Class 489B: Thursday 6:30 PM -- 9:45 PM
Class Room on Western State Campus “to be Assigned”

Professor Mark A. Sevigny

msevigny@wsulaw.edu

COURSE DESCRIPTION

COURSE OBJECTIVES

The objective of this course is to give the student the experience, skills, and knowledge necessary to be an effective advocate in a criminal jury trial. The student will have an opportunity to actually participate in each phase of the trial process including,

- In limine motions
- Voir dire
- Opening statement
- Direct examination of witnesses
- Cross examination of witnesses
- Examination of expert witnesses
- Jury instructions
- Closing argument

There will be mandatory reading assignments and preparation assignments, but the great majority of our class time (more than 75%) will be spent on student presentations of the different segments of a jury trial.

COURSE PREREQUISITES

It is required that students have already completed the Evidence course.

REQUIRED TEXTS

Materials in Trial Advocacy, by Mauet and Wolfson, **Seventh Edition**, ISBN-0-7355-5631-7

Trial Practice, by Dubin and Guernsey, 1991

Highly Recommended:

Making and Meeting Objections II, by Wenke, 2006

GRADING AND EXAMINATIONS

Each student will receive a numeric grade for the course. The grade will be based on attendance, homework, preparation, verbal contributions to the class, and performances of various phases of jury trials including the Final Trial. The **Weekly Exercises** comprise 1/3 the course grade. The **Final Examination**, which constitutes 2/3's the course grade, involves presenting a complete jury trial from Jury Selection to Closing Argument in a four-hour period.

Attendance and preparation are extremely important. **Pre-class preparation is the basic foundation of every attorney's trial performance.** If the student is not present during the class, he/she cannot “practice” trial skills, nor can the student learn from observation of fellow students' performances. Any unexcused absence may reduce the course grade. According to Western State policy, a student who misses more than two classes will be academically dis-enrolled.

WEEKLY ASSIGNMENTS
Trial Practice 489A
Spring 2014
Tuesday 6:30 PM -9:45 PM

Professor Mark A. Sevigny

msevigny@wsulaw.edu

(TP) Trial Practice
Dubin & Guernsey

(MTA) Materials in Trial Advocacy
Mauet & Wolfson

Note: New class materials may be added for any given week.

DATE	SUBJECT	ASSIGNMENT FOR CLASS
1. January 14, 2014	Introduction, Course Requirements, Introduction of Exhibits	TP Ch. 1 Case Preparation Checklist and Worksheet
2. January 21, 2014	Opening Statement	TP Ch. 3 MTA 9.6, 9.7, 9.13, [see the CD for more information and documents]
3. January 28, 2014	Direct and Cross Examination	TP Ch. 4, 5, 6, 7 MTA 3.3, 3.6, 3.9, 3.10
4. February 4, 2014	Direct and Cross Examination	TP Ch. 4,5,6,7 MTA 3.13, 3.15, 3.16, 3.18, 4.12
5. February 11, 2014	Direct and Cross Examination	TP Ch. 4,5,6,7 MTA, 4.13, 4.14, 4.15, 4.21, 4.23, 4.24
6. February 25, 2014	Direct and Cross Examination and Impeachment	TP Ch. 4,5,6,7 MTA 4.25, 4.26, 5.2, 5.5, 5.6, 5.12, 5.13,
7. March 4, 2014	Advanced Direct and Cross Examination	TP Ch. 4,5,6,7 MTA 7.1, 7.2, 7.7, 7.8, 7.9
8. March 18, 2014	Advanced Direct and Cross Examination	TP Ch. 4,5,6,7 MTA 7.7, 7.8, 7.9
9. March 25, 2014	Direct and Cross Examination of Specialists and Experts	TP Ch. 8 MTA 6.3, 6.4, 6.9, 6.10
10. April 1, 2014	Direct and Cross Examination of Specialists and Experts	TP Ch. 9 MTA 6.3, 6.4, 6.9, 6.10
11. April 8, 2014	Closing Argument Assignment of Finals Teams	TP Ch. 2 MTA 8.1, 8.3 8.5, 8.6
12. April 15, 2014	Voir Dire/Jury Selection Jury Instructions Pre-Final Preparation	TP Ch. 3 MTA 9.1, 9.4, 9.6, 9.12
13. April 22, 2014	Final Exam #1 - Jury Trial	TBD
14. April 29 2014	Final Exam #2 - Jury Trial	TBD

WEEKLY ASSIGNMENTS
Trial Practice 489 B
Spring 2014
Thursday 6:30 PM -9:45 PM

Professor Mark A. Sevigny

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(TP) Trial Practice
Dubin & Guernsey

(MTA) Materials in Trial Advocacy
Mauet & Wolfson

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DATE	SUBJECT	ASSIGNMENT FOR CLASS
1. January 16, 2014	Introduction, Course Requirements, Introduction of Exhibits	TP Ch. 1 Case Preparation Checklist and Worksheet
2. January 23, 2014	Opening Statement	TP Ch. 3 MTA 9.6, 9.7, 9.13, [see the CD for more information and documents]
3. January 30, 2014	Direct and Cross Examination	TP Ch. 4, 5, 6, 7 MTA 3.3, 3.6, 3.9, 3.10
4. February 6, 2014	Direct and Cross Examination	TP Ch. 4,5,6,7 MTA 3.13, 3.15, 3.16, 3.18, 4.12
5. February 13, 2014	Direct and Cross Examination	TP Ch. 4,5,6,7 MTA, 4.13, 4.14, 4.15, 4.21, 4.23, 4.24
6. February 20, 2014	Direct and Cross Examination and Impeachment	TP Ch. 4,5,6,7 MTA 4.25, 4.26, 5.2, 5.5, 5.6, 5.12, 5.13,
7. February 27, 2014	Advanced Direct and Cross Examination	TP Ch. 4,5,6,7 MTA 7.1, 7.2, 7.7, 7.8, 7.9
8. March 6, 2014	Advanced Direct and Cross Examination	TP Ch. 4,5,6,7 MTA 7.7, 7.8, 7.9
9. March 20, 2014	Direct and Cross Examination of Specialists and Experts	TP Ch. 8 MTA 6.3, 6.4, 6.9, 6.10
10. March 27, 2014	Direct and Cross Examination of Specialists and Experts	TP Ch. 9 MTA 6.3, 6.4, 6.9, 6.10
11. April 3, 2014	Closing Argument Assignment of Finals Teams	TP Ch. 2 MTA 8.1, 8.3 8.5, 8.6
12. April 10, 2014	Voir Dire/Jury Selection Jury Instructions Pre-Final Preparation	TP Ch. 3 MTA 9.1, 9.4, 9.6, 9.12
13. April 17, 2014	Final Exam #1 - Jury Trial	TBD
14. April 24, 2014	Final Exam #2 - Jury Trial	TBD