

## WESTERN STATE UNIVERSITY COLLEGE OF LAW

### CRIMINAL TRIAL PRACTICE 489 A & B FALL 2014

**Class 489A: Tuesday 6:30 PM – 9:45 PM**  
**Moot Court Room – 4<sup>th</sup> Floor - Western State Campus**

**Class 489B: Thursday 6:30 PM -- 9:45 PM**  
**Moot Court Room – 4<sup>th</sup> Floor - Western State Campus**

**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, Second Edition** by Martin, Radvany, Dubin, and Guernsey (LexisNexis/2014/IBSN: 9780769855332 [print] or ISBN: 9780327180227 [eBook]/Required)

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 as part of a three-to-four student attorney team.

**Attendance and preparation** are extremely important. **Pre-class preparation is the basic foundation of every student's trial exercise 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 may be academically dis-enrolled.

**WEEKLY ASSIGNMENTS**  
**Criminal Trial Practice 489A**  
**Fall 2014**  
**Tuesday 6:30 PM -9:45 PM**

Professor Mark A. Sevigny

msevigny@wsulaw.edu

(TP) Trial Practice  
 Dubin & Guernsey et al

(MTA) Materials in Trial Advocacy  
 Mauet & Wolfson

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

<b>DATE</b>	<b>SUBJECT</b>	<b>Class Reading Assignments</b>
1. August 26, 2014	Introduction, Course Requirements, Introduction of Exhibits	TP Ch.1, Ch.11 BASIC ETIQUETTE AND PRACTICE REGARDING THE INTRODUCTION OF EXHIBITS [will receive by email prior to class]
2. September 2, 2014	Opening Statement	TP Ch.2, Ch.4 MTA 9.6, 9.7, 9.8, 9.13, [see the CD for more information and documents]
3. September 9, 2014	Direct and Cross Examination	TP Ch.2, Ch.5, Ch.7 MTA 3.3, 3.6, 3.9, 3.10
4. September 16, 2014	Examination and Exhibits	TP Ch.6, MTA 3.13, 3.15, 3.16, 3.18, 4.12
5. September 23, 2014	Examination and Exhibits	MTA, 4.13, 4.14, 4.15, 4.21, 4.23, 4.24
6. September 30, 2014	Examination and Impeachment	TP Ch.8 MTA 4.25, 4.26, 5.2, 5.5, 5.6, 5.12, 5.13,
7. October 7, 2014	Advanced Direct and Cross Examination	MTA 7.1, 7.2, 7.7, 7.8, 7.9
8. October 14, 2014	Examination of Specialists and Experts	TP Ch.9 MTA 7.7, 7.8, 7.9
9. October 21, 2014	Examination of Specialists and Experts	MTA 6.3, 6.4, 6.9, 6.10
10. October 28, 2014	Closing Argument Assignment of Finals Teams	TP Ch.10 MTA 8.1, 8.3 8.5, 8.6
11. November 4, 2014	Voir Dire/Jury Selection Jury	TP Ch.3 MTA 9.1, 9.4, 9.6, 9.12
12. November 11, 2014	Instructions Pre-Final Preparation	
13. November 18, 2014	Final Exam #1 - Jury Trial	
14. November 25, 2014	Final Exam #2 - Jury Trial	

**WEEKLY ASSIGNMENTS**  
**Criminal Trial Practice 489 B**  
**Fall 2014**

**Thursday 6:30 PM -9:45 PM**

Professor Mark A. Sevigny

msevigny@wsulaw.edu

(TP) Trial Practice  
 Dubin & Guernsey et al

(MTA) Materials in Trial Advocacy  
 Mauet & Wolfson

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

<b>DATE</b>	<b>SUBJECT</b>	<b>Class Reading Assignments</b>
1. August 21, 2014	Introduction, Course Requirements, Introduction of Exhibits	TP Ch.1, Ch.11 BASIC ETIQUETTE AND PRACTICE REGARDING THE INTRODUCTION OF EXHIBITS [will receive by email prior to class]
2. August 28, 2014	Opening Statement	TP Ch.2, Ch.4 MTA 9.6, 9.7, 9.8, 9.13, [see the CD for more information and documents]
3. September 4, 2014	Direct and Cross Examination	TP Ch.2, Ch.5, Ch.7 MTA 3.3, 3.6, 3.9, 3.10
4. September 11, 2014	Examination and Exhibits	TP Ch.6, MTA 3.13, 3.15, 3.16, 3.18, 4.12
5. September 18, 2014	Examination and Exhibits	MTA, 4.13, 4.14, 4.15, 4.21, 4.23, 4.24
6. September 25, 2014	Examination and Impeachment	TP Ch.8 MTA 4.25, 4.26, 5.2, 5.5, 5.6, 5.12, 5.13,
7. October 2, 2014	Advanced Direct and Cross Examination	MTA 7.1, 7.2, 7.7, 7.8, 7.9
8. October 9, 2014	Examination of Specialists and Experts	TP Ch.9 MTA 7.7, 7.8, 7.9
9. October 16, 2014	Examination of Specialists and Experts	MTA 6.3, 6.4, 6.9, 6.10
10. October 23, 2014	Closing Argument Assignment of Finals Teams	TP Ch.10 MTA 8.1, 8.3 8.5, 8.6
11. October 30, 2014	Voir Dire/Jury Selection Jury	TP Ch.3 MTA 9.1, 9.4, 9.6, 9.12
12. November 6, 2014	Instructions Pre-Final Preparation	
13. November 13, 2014	Final Exam #1 - Jury Trial	
14. November 20, 2014	Final Exam #2 - Jury Trial	