UMKC School of Law Fall Semester 2006

**COURSE NUMBER:** Trial Advocacy II: Non Accelerated Sections

**PROFESSOR:** All Non Accelerated Sections

**ESSENTIAL PREREQUISITES:** Trial Advocacy I; Evidence; Students may not enroll in the accelerated sections without permission of trial advocacy coordinator, James Wirken.

**DESIRABLE PREREQUISITES:**

**COURSE BOOKS:** Trial Techniques sixth edition (Mauet) & Evidentiary Foundations (Imwinkelreid)

**METHOD OF GRADING & APPRAISAL OF STUDENT FOR GRADE:** See below

**SUMMARY DESCRIPTION OF COURSE:** See below

**COURSE CONTENT:** See below

**RELEVANCY OF COURSE FOR CAREER PURPOSES:** Prepare students to be trial lawyers and/or to understand the problems/issues faced by trial lawyers in proving a claim or defense

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**Purpose of Course**
To acquaint students with the techniques of the various facets of trial (opening statement, direct, introductions of exhibits, cross-examination and summation) so that you can prepare for and try a case.

**Methodology**
(1) Each class session consists of performing exercises involving an enactment of some phase of trial. Students must be prepared to play the role of lawyer or witness for each assignment. The exercises generally contain bare bones facts. A witness must therefore “invent” facts consistent with the witness being a real person, living in a real world. Thus, if the facts in an exercise say that a witness observed someone at night on a street corner it is appropriate for the witness to explain same by saying there was a full moon, a street light that illuminated the area, etc. In inventing facts, a witness, of course, opens himself/herself up to possible impeachment. Following each performance there will be a critique.
(2) Students keep a three-ring, “8.5 X 11” “Trial Notebook” in which they preserve a written version of their preparation for each exercise. The notebook is to be handed in at the end of the semester for review.
(3) The course concludes with a trial with each student trying a jury case (provided by the ATLA or National Trial Competition). Each trial is presented before local trial
lawyer/judge evaluators. Following each trial, the lawyers/judges critique the performances.

**Grades**
This is a pass/fail course.

**Attendance**
Attendance at each session is required. An “F” for the course will be given for an unexcused absence.

**Resource Material**
Readings are cited after most exercises. As students read the materials and view the performances in class they realize that there are different schools of thought on how to best perform a trial facet. A significant portion of this course is devoted to critiquing the various methods. At the end of this course students are in a position to debate the merits of the various alternatives within the context of jury persuasion and to try a case.

**Rules of Court**
The exercises and trials are to be considered tried in federal district court, under the appropriate federal rules of procedure and evidence.

**RELEVANCY OF COURSE FOR MO/MULTI-STATE BAR EXAMINATION:**
Reinforces rules of evidence and rules of civil procedure, rules that are tested on the bar.