Syllabus

All assignments are with respect to the 2007 ATLA (AAJ) mock trial case of Pat Johnson vs. Keep-On Trucking Company, a case involving personal injury.

The course is designed to prepare students for regional and national competitions; including the 2008 NTC and AAJ competitions. Accordingly, by the end of the course students should understand thoroughly the rules of this competition and should be able to hit the ground running in preparation for the 2008 competitions.

For this reason, the course is structured as if students were being prepared and coached for the 2007 AAJ competition. This requires students to meet and discuss

- plaintiff and defendant themes;
- the strengths and weakness of each side;
- matters of evidence and introduction of exhibits;
- utilization of evidence, exhibits and jury instructions consistent with the case and themes; and
- prepare for and role-play direct examinations, cross-examinations, redirect examinations, openings and closings.

The semester will culminate in a mock trial of the 2007 case obtained from the NTC or the AAJ competition.

Students deemed to be the best competitive advocates in their class participation and in their end of the semester trials will be chosen to represent the School in the 2008 regional and national competitions.

Failure to be prepared for class, and/or unwillingness to participate in class exercises will result in the student failing the class. Attendance, preparation and participation are requirements for satisfactory completion of this course.

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Email: cwright@SCHLEEHUBER.com
<table>
<thead>
<tr>
<th>Week 1</th>
<th>08/22/07</th>
<th>08/23/07</th>
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</thead>
<tbody>
<tr>
<td><strong>Instructors:</strong></td>
<td>Jim Wirken &amp; Charlene Wright</td>
<td></td>
</tr>
<tr>
<td><strong>Download and read the entire problem which may be found at the following link</strong></td>
<td><a href="http://www.law.umkc.edu/faculty/bermanlinks.htm">http://www.law.umkc.edu/faculty/bermanlinks.htm</a></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>List of Fact Pattern Components</td>
<td></td>
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<tr>
<td>2.</td>
<td>Court Documents</td>
<td></td>
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<tr>
<td>3.</td>
<td>Depositions</td>
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</tr>
<tr>
<td>4.</td>
<td>Statements</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Exhibits, including Photographs</td>
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<tr>
<td>6.</td>
<td>Jury Instructions</td>
<td></td>
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<tr>
<td>7.</td>
<td>STAC Fact Pattern Clarification Answers</td>
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</tr>
<tr>
<td>8.</td>
<td>General Rules</td>
<td></td>
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</tbody>
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Preliminary matters, including:
- introduction to course
- review of projected national trial competition team structures
- review of team selection criterion
- preparation techniques (outlining/words and phrases)
- command of the courtroom
- use of freehand diagrams

Be prepared to discuss the rules of the competition and the plaintiff’s case. E.g., what do you see as the strengths and weaknesses of the plaintiff’s case? Why do you believe the defendant should be liable? What obstacles do you see to liability? What theme would you present to the jury?


<table>
<thead>
<tr>
<th>Week 2</th>
<th>08/29/07</th>
<th>08/30/07</th>
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<tbody>
<tr>
<td><strong>Instructors:</strong></td>
<td>Jim Wirken &amp; Charlene Wright</td>
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<tr>
<td><strong>Finish aspects of plaintiff’s case and be prepared to discuss the defendant’s case. E.g., what do you see as the strengths and weaknesses of the defendant’s case? Why do you believe the defendant should not be liable? What obstacles do you see to a finding of non liability? What theme would you present to the jury on defendant’s behalf?</strong></td>
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<thead>
<tr>
<th>Week 3</th>
<th>09/05/07</th>
<th>09/06/07</th>
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</thead>
<tbody>
<tr>
<td><strong>Instructors:</strong></td>
<td>Ted Kapke &amp;</td>
<td></td>
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<tr>
<td><strong>Role play direct examination of Pat Johnson</strong></td>
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</table>

12 students role play: 6 to conduct a 15 minute direct with 6 additional students role playing defense counsel for purposes of objections; work on interest, primacy and recency; persuasion; transition sentences; chapters; validation of witness; highpoints; work in of theme; jury instructions, laying of foundations; evidentiary admissibility, etc.
<table>
<thead>
<tr>
<th></th>
<th>Reading and Activity Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charlene Wright</td>
<td><strong>Readings:</strong> Mauet Trial Techniques Chapter V, Direct Examination; if exhibits are to be used, Chapter VI, Exhibits. Mauet, Chapter X, objections.</td>
</tr>
</tbody>
</table>
| **Week 4**  
**09/12/07**  
**09/13/07**  
Instructors: Ted Kapke & Charlene Wright | Role play cross-examination of Pat Johnson and re-direct  
**Readings:** Mauet Trial Techniques Chapter VII, Cross-Examination. Mauet, Chapter X, objections.  
12 students role play: 6 to conduct a 15 minute cross-examination of previous witnesses with the 6 students who conducted the direct role playing plaintiff’s counsel for purposes of objections and to conduct a brief re-direct; work on control; interest, primacy and recency; persuasion; transition sentences; chapters; highpoints; work in of theme; jury instructions, laying of foundations; evidentiary admissibility, etc. |
| **Week 5**  
**09/19/07**  
**09/20/07**  
Instructors: Jim Wirken & Charlene Wright | Role play direct examination of expert witness Sam Sutton  
12 students role-play: 6 to conduct a 15 minute direct with 6 additional students role playing defense counsel for purposes of objections; work on introducing the expert, background, opinions, & bases for opinions; interest, primacy and recency; persuasion; transition sentences; chapters; validation of witness; highpoints; work in of theme; jury instructions, laying of foundations; evidentiary admissibility, etc.  
**Readings:** Mauet Trial Techniques Chapter VIII, Experts; if Exhibits are to be used, Chapter VI, Exhibits. Mauet, Chapter X, objections. |
| **Week 6**  
**09/26/07**  
**09/27/07**  
Instructors: Jim Wirken & Charlene Wright | Role play cross examination of expert witness Sam Sutton and re-direct  
**Readings:** Mauet Trial Techniques Chapter VIII, Experts, especially sections 8.6 & 8.7. Mauet, Chapter X, objections.  
12 students role play: 6 to conduct a 15 minute cross-examination of previous witnesses with the 6 students who conducted the direct role playing plaintiff’s counsel for purposes of objections and to conduct a brief re-direct; work on control; interest, primacy and recency; persuasion; transition sentences; chapters; highpoints; work in of theme; jury instructions, laying of foundations; evidentiary admissibility, etc. |
| **Week 7**  
**10/03/07**  
**10/04/07**  
Instructors: Jim Wirken & Charlene Wright | Rule 50 Motions; role-play direct of Jamie Miller  
12 students role play: 6 to conduct a 15 minute direct with 6 additional students role playing counsel for plaintiff for purposes of objections; work on interest, primacy and recency; persuasion; transition sentences; chapters; validation of witness; highpoints; work in of theme; jury instructions, laying of foundations; evidentiary admissibility, etc.  
**Readings:** Mauet Trial Techniques, Chapter I, sections 1.8, 1.10, & 1.12; |
| Week 8 | 10/10/07  
| 10/11/07 | Role play cross examination of Jamie Miller and re-direct.  
| Instructors: Jim Wirken & Charlene Wright | Readings: Mauet Trial Techniques Chapter VII, Cross-Examination. Mauet, Chapter X, objections.  
| | 12 students role play: 6 to conduct a 15 minute cross-examination of previous witnesses with the 6 students who conducted the direct role playing defense counsel for purposes of objections and to conduct a brief re-direct; work on control; interest, primacy and recency; persuasion; transition sentences; chapters; highpoints; work in of theme; jury instructions, laying of foundations; evidentiary admissibility, etc.  

| Week 9 | 10/17/07  
| 10/18/07 | Role play direct examination of expert witness Charlie Manning  
| Instructors: Jim Wirken & Charlene Wright | Readings: Mauet Trial Techniques Chapter VIII, Experts; if Exhibits are to be used, Chapter VI, Exhibits. Mauet, Chapter X, objections.  
| | 12 students role-play: 6 to conduct a 15 minute direct with 6 additional students role playing plaintiff’s counsel for purposes of objections; work on introducing the expert, background, opinions, & bases for opinions; interest, primacy and recency; persuasion; transition sentences; chapters; validation of witness; highpoints; work in of theme; jury instructions, laying of foundations; evidentiary admissibility, etc.  

| Week 10 | 10/24/07  
| 10/25/07 | Role play cross examination of expert witness Charlie Manning and redirect  
| Instructors: Jim Wirken & Charlene Wright | Readings: Mauet Trial Techniques Chapter VIII, Experts, especially sections 8.6 & 8.7. Mauet, Chapter X, objections.  
| | 12 students role play: 6 to conduct a 15 minute cross-examination of previous witnesses with the 6 students who conducted the direct role playing defense counsel for purposes of objections and to conduct a brief re-direct; work on control; interest, primacy and recency; persuasion; transition sentences; chapters; highpoints; work in of theme; jury instructions, laying of foundations; evidentiary admissibility, etc.  

| Week 11 | 10/31/07  
| 11/01/07 | Opening statement for plaintiff  
| Instructors: Jim Wirken & Charlene Wright | 12 students role play; 6 to provide 15 minute opening statements for plaintiff and 6 to provide 15 minute opening statements for Defendant and each student to represent their side for the purposes of objections. Work on interest, primacy and recency; persuasion; transition sentences; chapters; validation of witness; highpoints; work in of theme; jury instructions, etc.  

<table>
<thead>
<tr>
<th>Week 12</th>
<th>Rule 50 motions; &amp; closing for defendant &amp; plaintiff’s rebuttal</th>
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</thead>
<tbody>
<tr>
<td>11/07/07</td>
<td>12 students role play; 6 to provide 10 minute closing statement for plaintiff and 6 to provide 15 minute closing statement for defendant and the same 6 to play counsel to provide a 5 minute rebuttal each student to represent their side for the purposes of objections. Work on interest, primacy and recency; persuasion; transition sentences; chapters; validation of witness; highpoints; work in of theme; jury instructions, etc.</td>
</tr>
<tr>
<td>11/08/07</td>
<td><strong>Readings</strong>: Mauet Trial Techniques Chapter IV, Opening Statements.</td>
</tr>
</tbody>
</table>

| Instructors: | Jim Wirken & Charlene Wright |

<table>
<thead>
<tr>
<th>Week 13</th>
<th>Trials—each trial to be observed by 3 attorneys from Board - competition score sheets used. Please see the attached Mock Trial Memorandum for a description of scoring and advancement criteria.</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/14/07</td>
<td><strong>Readings</strong>: Mauet Trial Techniques Chapter IX, Closing Arguments.</td>
</tr>
<tr>
<td>11/15/07</td>
<td></td>
</tr>
<tr>
<td>11/16/07</td>
<td></td>
</tr>
<tr>
<td>11/17/07</td>
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</tbody>
</table>
As you are aware, the student trials are scheduled for the week of November 12, 2007 – November 16, 2007. The trials will take place in the UMKC Courtroom at the Law School. You can team up with any individual who is enrolled in the Accelerated Trial Advocacy II course as your partner. Your partner's name and side of trial preference (whether prosecution or defense or plaintiff or defendant) must be submitted to James C. Wirken, Trial Advocacy Coordinator. Every reasonable effort will be made to accommodate your team's preference. If you do not have a partner, please let Jim know. In such an event Jim will team students up among students who do not have partners.

Please note that it is very important that you prepare well for your trial and achieve high marks for your performance if you desire to earn a position on the School's National Trial Competition teams since your performance will be a significant factor in determining whether you will be invited to enroll in Trial Advocacy III. Only students who are in Trial Advocacy III will be eligible to be selected for team membership, therefore, consider the trial a competition to qualify for Trial Advocacy III, and remember that being in Trial Advocacy III is a prerequisite to make the final group of twelve (12) to be on the school’s National Trial Competition teams.

Your trial date and time, the party you will represent and the team you will meet will be transmitted to you on or before November 5, 2007. The time limits for your trial are generally the same as those set forth in the rules of the AAJ (which are contained in your packet) with one exception. The national rules do not specify time limits for each direct examination, cross-examination, redirect examination and recross examination. We have decided to change this and to provide each side, plaintiff and defense, with 30 minutes to present the case-in-chief (the direct and redirect of 2 witnesses) and 20 minutes for cross-examination (the cross-examination and recross examination of the other party's 2 witnesses). In addition, you will have 5 minutes for opening statement and 15 minutes for closing statement. The plaintiff will be entitled to reserve up to 5 minutes of its closing argument for rebuttal. The time allotments for opening statement (5 minutes) and closing argument (15 minutes) will be strictly adhered to. The total time allotments for the case-in-chief (30 minutes) and cross-examination (20 minutes) will also be strictly adhered to. Each team is responsible for managing allocation of the time available for presentation of the case-in-chief cross examination. Because this can be a difficult task, it is recommended that you use the suggested time limits set forth above (10 minutes for direct examination, 8 minutes for cross-examination, 5 minutes for redirect examination and 2 minutes for recross examination) as a guideline. Review the rules of the AAJ competition and the Addendum to Mock Trial (Local) Rules which follow this memorandum for other procedural information relative to your trial.

Scoring for your mock trial is as follows:

1. Each student is awarded an individual raw score by each sitting judge. There are up to
three judges for each trial. The individual raw scores are then averaged to create an average raw score for each student.

2. Each team is awarded a raw team score. There are up to three judges for each trial. The individual raw team scores are then averaged to create an average raw team score.

3. The individual averaged raw score is then normalized. The normalization process takes an average of all the average team scores, then adds or subtracts points to the individual average raw score to create the normalized score.

4. The Point System:
   Students are awarded one point for the following criteria:
   a. Top 12 Raw Score;
   b. Top 12 Normalized Score;
   c. Professors Recommendation (possible two (2) points); and
   d. Individual High Trial Score.

This system allows scoring based upon raw ability with the raw score; mathematical averaging with the normalized score; class performance, preparation and participation with the professors recommendation; and individual performance in each trial.

The score sheet will appear as follows:

<table>
<thead>
<tr>
<th>Student</th>
<th>Score 1</th>
<th>Score #2</th>
<th>Score #3</th>
<th>Raw Score (Average)</th>
<th>Team Score #1</th>
<th>Team Score #2</th>
<th>Team Score #3</th>
<th>Team Score Average</th>
<th>Normalization Rate (+ or - average)</th>
<th>Top Raw Scores</th>
<th>Top Normalized Score</th>
<th>Professor Recommendation</th>
<th>High Trial Score</th>
<th>Total Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student #1</td>
<td>32</td>
<td>34</td>
<td>37</td>
<td>34.333</td>
<td>79</td>
<td>68</td>
<td>84</td>
<td>77</td>
<td>3.3333333</td>
<td>79</td>
<td>68</td>
<td>84</td>
<td>77</td>
<td>0</td>
</tr>
<tr>
<td>Student #2</td>
<td>37</td>
<td>40</td>
<td>41</td>
<td>39.333</td>
<td>78</td>
<td>85</td>
<td>89</td>
<td>84</td>
<td>-3.66667</td>
<td>78</td>
<td>85</td>
<td>89</td>
<td>84</td>
<td>1</td>
</tr>
<tr>
<td>Student #3</td>
<td>45</td>
<td>41</td>
<td>42</td>
<td>42.667</td>
<td>83</td>
<td>70</td>
<td>93</td>
<td>82</td>
<td>-1.66667</td>
<td>83</td>
<td>70</td>
<td>93</td>
<td>82</td>
<td>1</td>
</tr>
<tr>
<td>Student #4</td>
<td>48</td>
<td>45</td>
<td>41</td>
<td>44.667</td>
<td>78</td>
<td>77</td>
<td>80</td>
<td>78.33</td>
<td>2</td>
<td>46.67</td>
<td>1</td>
<td>1</td>
<td>46.67</td>
<td>3</td>
</tr>
</tbody>
</table>

40.25 80.33

A perfect score would be 5 points out of 5 points.

If you have any questions or concerns regarding the trial competition, do not hesitate to talk with Trial Advocacy Coordinators, James C. Wirken (jwirken@wirkenlaw.com) and/or Charlene Wright (cwright@SCHLEEHUBER.com). We are confident that your trials will go smoothly. You have had ample opportunity through the semester to familiarize yourself with the trial technique which the judges will be looking for, remember that the focus of your trial is to provide a forum for application of the skills you have acquired during this course. No one expects a "Perry Mason" performance; however, everyone expects you and your witnesses to be prepared. Witnesses should not be reading from a script nor should you! Performances which reflect an understanding of trial advocacy will be expected. Your Trial Ad II instructors will be available to assist you in answering questions about the trial problem or the administration of the trials.

Reading: The Trialbook, Chapter I, Trial Preparation. Trial Techniques, Chapter I & XI, Trial Process, Preparation and Strategy.