TRIAL PRACTICE "SECTION B"
FALL SEMESTER, 2017
LAW 6363/SECTION 5794
(4 credit course)

Professor Carl B. Schweit - cschweit@gmail.com
Professor Craig DeThomasis - craig@reasonabledoubt.org

Classroom 359

Class Times:  Monday Evenings 5:20-7:20 p.m.
              Thursday Evenings 5:20 - 6:20 p.m.
Workshops:  Wednesday Evenings 5:20-8:30 p.m.

Final Trials: Friday/ Saturday, October 20/21 and Friday/Saturday, November 3/4

Course Materials and Text:

1. Trial Practice Cases and Materials available on TWEN for this course, or if you choose to purchase a hard copy of Trial Practice Cases and Materials, they are available at Book-iT.

2. Florida Evidence Code Summary Trial Guide, which is available at the Levin College of Law Bookstore.

3. Thomas A. Mauet, Trial Techniques and Trials, Ninth Edition (Aspen)

Other Recommended Resources: Carlson, A Student's Guide to Elements of Proof, (Thomson West)
                            Ehrhardt, Florida Evidence 2005 Edition
                            Ehrhardt, Florida Trial Objections,
                            Immwinkelried, Evidentiary Foundations, 5th Edition
                            Dubin and Guernsey, Trial Practice, (Anderson)
                            Lubet, Modern Trial Advocacy, (NITA)
                            Haydock and Sonsteng, Trial, (WestGroup)
                            McElhaney, Trial Notebook, (ABA)

CLASS SCHEDULE

MONDAY
AUGUST 14th
5:20 P.M.  Subject: Introduction to Class

WEDNESDAY
AUGUST 16th
5:20 P.M.  Class: Lecture and Demonstration
            Subject: Basic Direct Examination of Lay Witness
            Read: Chapter 5 in Mauet, Trial Techniques and Trials
THURSDAY
AUGUST 17th
5:20 P.M.
Class: Lecture and Demonstration
Subject: Basic Direct Examination of Lay Witness,
Continued from class of August 20th
Read: Chapter 5 in Mauet, Trial Techniques and Trials

MONDAY
AUGUST 21st
Class: Lecture and Demonstration
Subject: Basic Cross Examination
Read: Chapter 6 in Mauet, Trial Techniques and Trials

WEDNESDAY
AUGUST 23rd
5:20 P.M.
Workshop on Direct Examination
Assignments:
1. Submit written direct examination outline.
2. Be prepared to conduct Direct Examinations Problems #1 and 2
   in Trial Practice Cases and Materials.

Notes on Assignment:
1. Students should be prepared to perform the direct examinations and also to function as
   opposing counsel for the other direct examination. This function includes interposing
   all appropriate objections to the direct examination. You are not expected to perform
   a cross examination at this point.
2. NO DEMONSTRATIVE AIDS (diagrams, blackboard, etc.) are to be used during this
   initial direct examination.

THURSDAY
AUGUST 24th
5:20 P.M.
Class: Lecture
Subject: Basic cross examination, continued from class of
August 23rd

MONDAY
AUGUST 28th
Class: Lecture and Demonstration
Subject: Real & Demonstrative Evidence,
Read Chapter 7 in Mauet, Trial Techniques and Trials

WEDNESDAY
AUGUST 30th
5:20 P.M.
Workshop on Basic Cross Examination and Continuation of
Direct Examination
Be prepared to conduct cross examinations
Problems #3 and #4 in Trial Practice Cases and Materials
Winthrop v. Preston's Tree Service and Peter Thompson and
State of Florida v. Strong

Note on Assignments:
No demonstrative aids are to be used in the exercise this week.

THURSDAY
AUGUST 31st
Class: Lecture
Subject: Criminal Litigation

MONDAY
SEPTEMBER 4th
HOLIDAY

WEDNESDAY
SEPTEMBER 6th
5:20 P.M.
Workshop on Introduction and Use of Real and
Demonstrative Evidence
Be prepared to lay foundations for real and demonstrative
evidence:
Problems #5 and 6 in Trial Practice Cases and Materials
State v. Menlo (exhibits only) and Gentry v. Antiques-4-Less

Note on Assignment: All Students should be prepared to perform all problems. You should be prepared to lay the predicate for introduction of the exhibit, go through the process of introducing the exhibit, and then using the exhibit to greatest effect before the jury. You should also be prepared to oppose the offer and to cross examine appropriate witnesses.

THURSDAY
SEPTEMBER 7th
5:20 P.M.
Class: Lecture
Subject: Expert Witness
Read Chapter 8 in Mauet, Trial Techniques and Trials

MONDAY
SEPTEMBER 11th
5:20 P.M.
Class (Hour 1): Lecture and Demonstration
Subject: Expert Witness
Class (Hour 2): Lecture and Demonstration
Subject: Civil Litigation

WEDNESDAY
SEPTEMBER 13th
5:20 P.M.
Workshop on Examination of Expert Witnesses
Problems #7 and 8 in Trial Practice Cases and Materials
State v Harris (full direct/cross) and Justine Minor v. Paradise Police Department

Trial Cases will be assigned before class adjourns in order to give all students a chance to begin case analysis and prepare for the upcoming week (Jury Selection!)

THURSDAY
SEPTEMBER 14th
5:20 P.M.
Subject: Technology and Litigation

MONDAY
SEPTEMBER 18th
5:20 P.M.
Class (Hour 1): Lecture and Demonstration
Subject: Voir Dire
Read: Chapter 3 in Mauet, Trial Techniques and Trials
Class (Hour 2): Lecture
Subject: Trial Psychology and Persuasion
Read: Chapter 1 in Mauet, Trial Techniques and Trials

WEDNESDAY
SEPTEMBER 20th
5:20 P.M.
Workshop: Jury Selection; Case Analysis
Be prepared to discuss at least three areas that should be covered in jury selection in your assigned trial case-- consider both sides

THURSDAY
SEPTEMBER 21st
5:20 P.M.
Class: Lecture
Subject: Trial Organization and Planning
Read: Chapter 2 in Mauet, Trial Techniques and Trials

MONDAY
SEPTEMBER 25th
5:20 P.M.
Class (Hour 1): Lecture and Demonstration.
Subject: Opening Statement, Read Chapter 4 in Mauet,
Trial Techniques and Trials
Class (Hour 2): Lecture and Demonstration
Subject: Closing Argument
Read Chapter 9 in Mauet, Trial Techniques and Trials

WEDNESDAY
SEPTEMBER 27th
5:20 P.M.
Workshop on Opening Statements and Closing Arguments
Be prepared to conduct an opening statement and a closing argument in your assigned trial case

THURSDAY
SEPTEMBER 28th
5:20 P.M.
Class: Lecture & demonstration
Subject: Media and the Law
MONDAY
OCTOBER 2nd
5:20 P.M.
Class (Hour 1): Lecture and Demonstration
Subject: Motion Practice (Civil)
Class (Hour 2): Lecture and Demonstration
Subject: Motion Practice (Criminal)

WEDNESDAY
OCTOBER 4th
5:20 P.M.
Class: Practice Trial #1; Critique and Discussion
Team 1 (P) vs. Team 2 (D)
Witnesses: As assigned
Jurors: Those class members who are not otherwise employed as attorneys or as witnesses

THURSDAY
OCTOBER 5th
5:20 P.M.
Class: Practice Trial #2; Critique and Discussion
Team 3 (P) vs. Team 4 (D)
Witnesses: As assigned
Jurors: Those class members who are not otherwise employed as attorneys or as witnesses

MONDAY
OCTOBER 9th
5:20 P.M.
Class: Practice Trial #3; Critique and Discussion
Team 5 (P) and Team 6 (D)
Witnesses: As assigned
Jurors: Those class members who are not otherwise employed as attorneys or as witnesses

WEDNESDAY
OCTOBER 11th
5:20 P.M.
Class: Review for Specific Trials

THURSDAY
OCTOBER 12th
5:20 P.M.
Class: Lecture and Demonstration
Subject: Judiciary and Professionalism
Read: Chapter 11 (Bench Trials) in Mauet, Trials

MONDAY
OCTOBER 16th
Discussion of upcoming Trial competition

WEDNESDAY
OCTOBER 18th
5:20 P.M.
Interactive Review

MONDAY
OCTOBER 23rd
5:20 P.M.
Review of First Round of Trials

WEDNESDAY
NOVEMBER 1st
5:20 P.M.
Review for Specific Trials

MONDAY
NOVEMBER 6th
5:20 P.M.
Final Class
Subject: Discussion of Course
We will look at verdicts and discuss trials. This class is mandatory.
**PRACTICE TRIAL SCHEDULE**

**WEDNESDAY**  
**OCTOBER 4\(^{th}\)**  
5:20 P.M.  
Class: Trial #1; Critique and Discussion  
Team 1 (P) vs. Team 2 (D)  
Witnesses: As assigned  
Jurors: Those class members who are not otherwise employed as attorneys or as witnesses.

**THURSDAY**  
**OCTOBER 5\(^{th}\)**  
5:20 P.M.  
Class: Trial #2; Critique and Discussion  
Team 3 (P) vs. Team 4 (D)  
Witnesses: As assigned  
Jurors: Those class members who are not otherwise employed as attorneys or as witnesses.

**MONDAY**  
**OCTOBER 9\(^{th}\)**  
5:20 P.M.  
Class: Trial #3; Critique and Discussion  
Team 5 (P) and Team 6 (D)  
Witnesses: As assigned  
Jurors: Those class members who are not otherwise employed as attorneys or as witnesses.

**TRIAL COMPETITION SCHEDULE**

All trials will be held at the Criminal Justice Center on South Main Street unless otherwise posted or announced in class.

**ALL STUDENTS ARE REQUIRED TO BE PRESENT AT ALL SESSIONS -- WHETHER TRYING THE CASE, ACTING AS A WITNESS, OR PREPARING A CRITIQUE.**

**FRIDAY**  
**OCTOBER 20\(^{th}\)**  
5:00 P.M., Trial Competition and Critique, Round I.  
*Darcy v. Beauchamp*

**SATURDAY**  
**OCTOBER 21\(^{st}\)**  
8:30 A.M., Trial Competition and Critique, Round II.  
*State v. Wynn*

**SATURDAY**  
**OCTOBER 21\(^{st}\)**  
1:30 P.M., Trial Competition and Critique, Round III.  
*Temple v. Prime Global*

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**FRIDAY**  
**NOVEMBER 3\(^{rd}\)**  
5:00 P.M., Trial Competition and Critique, Round IV.  
*Darcy v. Beauchamp*

**SATURDAY**  
**NOVEMBER 4\(^{th}\)**  
8:30 A.M., Trial Competition and Critique, Round V.  
*State v. Wynn*

**SATURDAY**  
**NOVEMBER 4\(^{th}\)**  
1:30 P.M., Trial Competition and Critique, Round VI.  
*Temple v. Prime Global*
1. ATTENDANCE POLICY: Attendance is required for ALL sessions (lectures, workshops, practice rounds, and trials). Attendance will be taken. Any absence must be pre-approved by the professor and/or workshop leader. In most instances, a make-up assignment or alternative to attending the class will be required.

2. EXCUSED ABSENCES: Excused absences must be based on a written request submitted and approved by the professor before the class to be missed. All students must submit a written request for absence no later than the day before the class to be missed. If a class is missed due to the inability to foresee the need to make such a request (i.e. medical emergency and or other unforeseen circumstance), documentation in support of the basis for the absence may be requested.

3. DRESS POLICY: For ALL workshops and ALL trial sessions, appropriate courtroom attire is required. Dress at any other class/lecture sessions may be casual.

4. GRADING: This class is graded on a PASS/FAIL grading system. However, in certain instances, a grade of S+ will be awarded to those students whose performance at the final trials, as well as their work ethic throughout each workshop session, is deemed exemplary based on the results of trial, verdict entered, scoring, professionalism, and mastery of the subject matter.

In the event a student does not fulfill the attendance requirements, a grade indicating “Incomplete” will be entered.

5. COURSE GOALS AND OBJECTIVES: This 4 credit course is designed to introduce the student to the legal requirements, procedures, substantive law, and advocacy skills necessary to represent a client at the trial court level before a jury. All aspects of a trial and the preparation necessary to present a client’s case at jury trial will be explored and performed. The lectures will provide students with the requisite substance and procedure of each phase of a jury trial while each corresponding workshop will provide each student with the opportunity to perform each phase of a trial utilizing materials and documents similar to those which a trial attorney would use to present a case in court (photos, diagrams, deposition transcripts, police reports, etc.). The course will conclude with each student participating in the prosecution or defense of a case at trial before a jury.

6. STUDENT LEARNING OUTCOMES/OBJECTIVES: Throughout this course students will participate in and attend lectures, performances, demonstrations, critiques, and discussions. Students will build skills necessary to prosecute and defend either a civil or criminal case. At the conclusion of the semester, students will participate as advocates in a jury trial in a controlled courtroom setting, utilizing materials in both the civil and criminal law contexts. By the end of the course, students should be able to effectively present a case at jury trial.
7. STUDENTS WITH DISABILITIES: Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the instructor when requesting the accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

8. ON-LINE COURSE EVALUATION PROCESS: Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at https://evaluations.ufl.edu. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available at https://evaluations.ufl.edu/results/.

9. CLASS DEEMEANOR:
Lecture Sessions: Students are expected to arrive on-time (as an attorney scheduled to appear in court) and prepared to address the topic(s) scheduled for that date. Students are encouraged to ask questions and engage with the professors on topics being discussed. As a result of the desire and need to foster an atmosphere of interaction between students and professor, laptops and other cellular devices will not be allowed for use during lectures.

Workshop Sessions: Each workshop leader will inform their students of any desired protocol for preparation and presentation of material. However, all workshops are designed to allow student performance, critique, discussion, and, in several instances, video recording of the presentation. All students will serve in the capacity of attorney, witness, and/or critiquer depending on the problem assigned.

10. UNIVERSITY OF FLORIDA HONESTY POLICY: All U.F. students are bound by the Honor Pledge which states: “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: On my honor, I have neither given nor received unauthorized aid in doing this assignment. The Honor Code (http://www.dso.ufl.edu/sscr/process/student-conduct-honor-code/) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obliged to report any condition that facilitates academic misconduct to appropriate personnel.” If you have any questions or concerns, please consult with the instructor and/or TA’s in this class.

11. CONTACT INFORMATION/ OFFICE HOURS: Office hours will be held Monday and Thursday 3:00 p.m. - 5:00 p.m. Also, professors will be available after each lecture as needed.

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IMPORTANT DATES AT A GLANCE
“Section B”

Workshop Dates

August 23, 2017 -- 5:20 p.m.
August 30, 2017 -- 5:20 p.m.
September 6, 2017 -- 5:20 p.m.
September 13, 2017 -- 5:20 p.m.
September 20, 2017 -- 5:20 p.m.
September 27, 2017 -- 5:20 p.m.

Practice Trial Dates

October 4, 2017 -- 5:20 p.m.
October 5, 2017 -- 5:20 p.m.
October 9, 2017 -- 5:20 p.m.

Final Trial Dates

October 20, 2017 -- 5:00 p.m.
October 21, 2017 -- 8:30 a.m.
October 21, 2017 -- 1:30 p.m.
November 3, 2017 -- 5:00 p.m.
November 4, 2017 -- 8:30 a.m.
November 4, 2017 -- 1:30 p.m.