

Advanced Trial Skills – Anatomy of a Criminal Trial
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
SEMESTER SYLLABUS – LAW 6930 – 1 CREDIT

Professor The Honorable Melissa Distler

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Office Hours: 30 minutes before class in HH 355D. I will also be available for 30 minutes after each class, if necessary.

MEETING TIME:

Monday 10:00am to 2:00pm

Tuesday 10:00am to 2:00pm

Wednesday 10:00am to 2:00pm

Thursday 10:00am to Noon

LOCATION: HH 355D

COURSE DESCRIPTION AND OBJECTIVES:

Trial practice involves more than just cross-examinations and closing arguments. In this hands-on, interactive course, students will be reviewing an actual case study from start to finish. Students will analyze legal defenses to a criminal charge by reviewing evidence, statutes and cases. Students will draft sample motions in advance of analyzing a real trial. Students will review a trial, comparing and contrasting their arguments and presentations to those of the lawyers. To wrap up the course, there will be an open discussion on and evaluation of student and attorney presentations.

STUDENT LEARNING OUTCOMES:

At the end of this course, students should be able to:

- Review and analyze an arrest report for possible criminal charges.
- Review and analyze an arrest report for possible defenses to criminal charges.
- Research applicable Florida Statutes and cases regarding Trespass as it pertains to Mobile Home and Recreational Vehicle Parks.
- Research applicable Florida Statutes and cases regarding Evictions.
- Distinguish between statutes applicable to Mobile Home and Recreational Vehicle Parks and Evictions.
- Draft and argue dispositive motions in advance of and during trial.
- Review and critique opening statements, examination of witnesses, motions for judgment of acquittal, and closing arguments.
- Identify applicable jury instructions and draft any special requested instructions for the applicable case.

REQUIRED READING MATERIALS:

Trial Objections Handbook, 2024 Edition, Westlaw

Recommended reading: Ehrhardt's Florida Evidence, 2024 ed. (Vol 1).

Additional reading related to the case (statutes and caselaw) will be assigned daily.

Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

COURSE EXPECTATIONS AND GRADING EVALUATION:

Students are expected to be prepared and to participate throughout the week. Students will be evaluated based upon in-class participation and preparation. Students will be evaluated on quality of statutory analysis and application of statutes to factual scenarios. Students will be further evaluated on their trial preparations and execution of trial skills, including the Dismiss/Responses to Motion to Dismiss; presentation of those on day 2; submission of trial preparation documents (opening, direct and cross, JOA, closing arguments); and their self-review and critique of their own work and the trial they will watch.

CLASS ATTENDANCE POLICY:

Attendance in class is required by both the ABA and the Law School. This is a compressed course.

Attendance during all class hours is mandatory. Attendance will be taken at each class meeting. If there is some reason why you must miss class, please contact me in advance via telephone or email and ask for an excused absence.

The law school's policy on attendance can be found [here](#).

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at [this link](#).

ABA OUT-OF-CLASS HOURS REQUIREMENTS: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction. Our weekly class time is approximately 14 hours, requiring at least 28 hours of preparation outside of class, including reading the assigned materials and completing the at-home exercises and assignments.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change.

DAY 1- ANATOMY OF A TRIAL

- CHARGING DOCUMENTS AND TECHNICAL ASPECTS OF TRIAL PREPARATION
- VOIR DIRE
- OPENING STATEMENT
- DIRECT AND CROSS EXAMINATIONS
 - Tell their story
 - Any necessary background
 - Establishment of expertise, if any
 - Chronological explanation of events
 - Witness control
 - Use of visual aids, videos, recordings
 - Impeachment
 - Inconsistent statements
 - Bias
 - Character evidence per Fl. Stat. 90.609 and 90.610
 - Defect in capacity, ability, or opportunity to observe, remember and recount what witness testified to
 - Conflict with other witnesses' testimony
- MOTIONS FREQUENTLY MADE
 - JOA by Defense at conclusion of State's case
 - Mistrial due to misconduct, improper question/response
 - Made by Defense
 - Made by State
- JURY INSTRUCTIONS (FINAL CHARGE) AND CHARGE CONFERENCE
- CLOSING ARGUMENTS
 - Analysis of evidence presented
 - Applying evidence presented to elements of crime
 - Puzzle analogy
 - Witness credibility:
 - Opportunity to see and know things
 - Accurate memory
 - Honest and straightforward
 - Interest in case
 - Testimony in agreement with other evidence
 - Offered/received money or preferred treatment
 - Pressure or threat against witness
 - Inconsistent statement
 - Prior convictions
 - General reputation for truthfulness

Day 1 Homework – to review the case documents, applicable statutes and caselaw. Documents include:

Information

Amended Information
Second Amended Information
Florida statutes cited in Informations
Florida Rules of Criminal Procedure
Additionally, students will draft Defendant's Motion to Dismiss and State's Response for presentation the following day.

DAY 2 – ARGUING DISPOSITIVE MOTIONS

Students will present their dispositive Defense motion to dismiss and responses by State. Students will review documentation submitted in original case to compare/contrast with their arguments.

Students will analyze and discuss evidence needed to convict, evidence needed to establish reasonable doubt. Students will review standard Jury Instructions for applicability.

Day 2 Homework – to prepare for Trial, including preparing to present the following:

- Opening Statement
- Direct Examination and Cross Examination of all listed witnesses
- JOA motion and defense of
- Closing Arguments
- Review Trial Objections handbook

DAY 3 – CASE STUDY ANALYSIS

Students will review the trial (watch digital recording of proceedings). Throughout the day, students will have the opportunity to critique the presentation by the lawyers, highlighting what worked well, what could be improved upon, what was missed.

Day 3 Homework – self-review of preparation and any additional review of trial.
Draft Jury Instructions for Charge Conference

DAY 4 – CONTINUATION OF CASE STUDY ANALYSIS

Continuation (if needed) of previous day case analysis. Discussion of jury instructions and the role they play in tying the case together. Review and debrief.