

**University of Florida Levin College of Law**  
**COURSE SYLLABUS: TRIAL PRACTICE (section B)**  
**LAW 6363 – 3credits S/U**  
**Spring 2025**

**INSTRUCTOR’S CONTACT INFORMATION:**

Aaron Kelley

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Office Hours: Wednesdays, from 5:00pm to 6:00pm and Fridays, from 4:00pm to 5:00pm. (or by appointment on zoom) – contact instructor anytime and appointments can be arranged.

**Teaching Assistants:** Perry Kaplan and Alex Hess

**Meeting Times and Locations:**

Classroom location: Martin Levin Advocacy Center, room 106 (Morgan and Morgan Courtroom)

This course will meet on the following dates and times: Tuesdays from 4:30pm–7:30pm.

**MANDATORY FINAL TRIALS (Final exams for this course, not movable)**

Round 1: April 4<sup>th</sup> (8:00am to 5:00pm) AND April 5<sup>th</sup> (8:00am to 5:00pm)

Round 2: April 11<sup>th</sup> (8:00am to 5:00pm) AND April 12<sup>th</sup> (8:00am to 5:00pm)

**-All students should be available to present for all days and times.**

**Course Description and Objectives:**

This course covers trial procedures and advocacy techniques, including jury selection, opening statements, direct examinations, cross-examinations, objections, and other motion practices, preservation of error, closing arguments, and proper courtroom demeanor. Using realistic fact patterns and full trial assignments, students will learn by doing.

The purpose of this course is to provide strong entry-level courtroom skills together with an understanding of effective preparations for trial and an awareness of various persuasive methods. Courtroom skills include effective communication, effective advocacy in each phase of a trial, making and meeting objections, raising, and addressing other issues by way of motions, and proper preservation of error. Students develop the knowledge and skills necessary for effective trial advocacy through a combination of study, observation, discussion, and (most importantly) mock trial exercises, with helpful critique and feedback.

**Student Learning Outcomes:**

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

- Demonstrate strong courtroom communication skills
- Understand the structure and function of each part of a trial
- Exhibit good advocacy skills and technique
- Capably make and meet objections
- Analyze and prepare a case for trial
- Exemplify professionalism and best practices in courtroom conduct

### **Prerequisite:**

Evidence must be taken prior to or concurrently with Trial Practice

### **Required Reading and Viewing Materials:**

1. Trying Cases: Promise, Prove, and Persuade (J. Zedalis, Vandephas Publishing) also available as an e-book.
2. Workshop/Trial Coursebook (weekly skills exercises and accompanying material) available for this course on CANVAS
3. Florida Evidence Code Summary Trial Guide available at the Levin College of Law Bookstore (laminated tri-fold quick reference aide)
4. Irving Younger, the 10 Commandments of Cross-Examination at UC Hastings College of Law, <https://www.youtube.com/watch?v=dBP2if0l-a8> (43:20)
5. Case Summaries for Trial Preparation provided by the Professor

### **Recommended Reading**

- Carlson, A Student's Guide to Elements of Proof (Thomson West)
- Ehrhardt, Florida Evidence
- Ehrhardt, Florida Trial Objections
- McElhaney, Trial Notebook (ABA)

### **Course Expectations and Grading Evaluation:**

For this course, you will earn 3 (three) total credits. Students are required to do the assigned reading and participate in discussions as well as assigned skills exercises. This course will be taught in a lab/workshop structure. Students are required to prepare for all in-class presentations prior to the beginning of class. Students must submit to the Professor a written or electronic copy of each student's preparation for that day's class prior to the start of class. Class is divided into 2 (two) hours of practical exercises and 1 (one) hour of instruction. Students are required to actively participate in both instruction and practical exercises. Participation during practical exercises includes both presenting, observing, and critiquing the exercises and practice trials. To achieve a satisfactory grade, students must maintain good attendance, prepare, and actively participate in the class workshops and the final trials. All students will be required to participate as witnesses, jurors, and courtroom personnel in both class and final trials in addition to their lawyer/case assignments. Competency, preparation, and attendance as a witness, juror, and courtroom personnel are considered in your final grade evaluation.

### **Internet Use During Class:**

Use of the internet during class is not permitted unless directed by me. You may not check social media sites, email (even clinic -or career-related emails), or news sites. Consider class a vital client meeting and schedule your emailing needs accordingly. Your internet use, even for a noble purpose, violates the standards of professionalism. If you have concerns about this policy, please discuss them with me.

The use of computer, tablet, or phone is permissible only while a student is conducting an examination of a witness or presenting a closing argument. Students observing and critiquing such presentations may not use electronic devices.

### **Class Attendance Policy:**

Attendance in class is required by both the ABA and the Law School. Students are allowed no unexcused absences during the semester and final trials. A student who fails to meet the attendance requirement will be dropped from the course. Attendance is especially important in this course because it is a courtroom skills course that is interactive. Although the assigned reading is essential, students cannot develop advocacy skills from reading or relying on passive learning techniques. Any absence must be excused in advance. The law school's policy on attendance can be found at this link: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>

### **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:

<https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>

### **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 three hours, requiring at least six hours of preparation outside of class, including reading the assigned materials, preparing for in-class exercises, reviewing recorded work, observing and reflecting on courtroom performances, preparing for assigned witness and critique roles, and submitting your prepared materials before class.

### **Communication Courtesy and Civility:**

Please follow the rules of common courtesy in all email messages and class discussions. Turn off your cell phone during class. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

### **Important Information for all Trial Practice Students:**

**DRESSING FOR COURT:** Courtroom attire is required for the Final Trials and for out in-class practice Final Trials. During regular weekly classes and for witness or critiquing roles, students may wear business casual clothing.

**WITNESS ROLES:** Each student will play the witness whom they cross-examine in the 1<sup>st</sup> round of Final Trials. All witnesses are expected to be well-prepared and to stick to the assigned facts. Making up facts will result in a 10-point penalty for your team during the Final Trials.

**REVIEW/CRITIQUE REQUIRED WITH TEACHING ASSISTANTS:** Workshop performances on direct exam, cross-exam, expert witnesses, and opening/closing will be recorded, and students are required to review their own performances with our TA(s). We'll discuss the details in class.

**PREPARATION:** All students are expected to prepare for and complete their assigned advocacy exercises. The Final Trials are the skills course equivalent of final exams, and participation is mandatory. Participation includes assigned witness and critiquing roles as well as assigned trial roles. All students participate in each trial round.

### **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 difficulty of each section and is subject to change. In addition to completing the assigned reading/viewing, be prepared to discuss your case theory and strategy during each class. These "case rounds" enable students to form connections with one another and help them analyze legal, ethical, and practical problems more easily than doing it on their own. Learning by rounds is one of the best aspects of experiential legal education.

Class will be divided into a two-hour trial skill exercise block and one-hour block of instruction. Exercises will follow the previous classes' instruction as set forth below.

Date	Exercises	Lecture
1/14/25	None.	Introduction to Trial Practice and Direct Examination
1/21/25	Direct Examination	Cross-Examination
1/28/25	Cross Examination	Exhibits and Visual Aids
2/4/25	Exhibits and Visual Aids	Expert Witness and Case Strategy
2/11/25	Expert Witnesses	Voir Dire, Impeachment, Refresh, Evidence Foundation
2/18/25	[Voir Dire], Impeachment, Refresh, Evidence Foundation	Opening Statement
2/25/25	Openings	Closing Argument
3/4/25	Closings	Catch-up lecture
3/11/25	Practice Final Trial	None
3/18/25	[Spring Break]	[Spring Break]
3/25/25	Practice Final Trial	None
4/1/25	Practice Final Trial	None

4/4/25	Final Trial Round 1	None
4/5/25	Final Trial Round 1	None
4/8/25	Round 1 Debrief	None
4/11/25	Final Trial Round 2	None
4/12/25	Final Trial Round 2	None
4/15/25	Debrief – Last day of class	None

Note: This is my current expectation of the semester. Unexpected closures, developments, etc. may cause necessary changes. Additionally, I am reserving the right to alter the schedule should it appear necessary based on classroom progress. All changes will be discussed in class.

**Assignments:**

Prior to first day of class assignment: Read pages v, vi (forward), 1-17, and 52-75 in Trying Cases (J. Zedalis).

The rest of the reading assignments, classroom assignments, etc. will be discussed in class and posted on CANVAS each week.

I look forward to a great semester!