

## **ADVANCED TRIAL ADVOCACY**

(331-001)

Antonin Scalia Law School

George Mason University

### **Course Syllabus**

Spring Semester 2022

The Honorable Kimberly A. Irving

### **Goals and Learning Outcomes**

The primary goal for the Advanced Advocacy class is to provide a “hands on” interactive learning experience for students who wish to establish themselves as a commanding presence in the courtroom. This class will work with real life fact patterns (from actual class) and will involve both criminal and civil cases. Students in the class should have completed evidence and one other trial advocacy course before taking this class. However, these prerequisites may be waived or modified by the professor at her discretion.

This course differs from other trial advocacy competition courses. Trial competition courses generally rely on mastering one fact pattern over the course of the semester with the goal of “scoring points” before a judge(s) in one-on-one team competitions. Advanced Trial Advocacy will teach students to be successful trial lawyers in front of juries and does not utilize any “point” system. Rather, student will learn how to present cases in front of “real people” with no legal background. This course concentrates on communicating your case in an organized and thematic manner. Students will advocate several different positions, both criminal and civil, at different stages of trial, and each student will conduct at least one entire jury trial at the end of the semester.

The following is a non-exclusive list of specific outcomes for this course:

1. To broadly know and be able to apply strong legal advocacy in support of a party’s position
2. To develop a consistent and successful legal theme for your case with attainable goals and outcomes.
3. Apply and argue applicable rules of evidence in light of the provided fact patterns.
4. To research, apply, and argue appropriate case law and statutes in support of or in opposition to a legal position
5. To zealously represent a party, mindful of one’s legal obligation to conduct himself/herself in a professional and civil manner at all times.
6. To learn how to properly conduct pre-trial discovery, as well as civil depositions
7. To transfer the trial skills learned in this class to any type or level of advocacy, criminal or civil.

8. To master communication skills with the judge and jury and to successfully advocate for a positive outcome for your client.
9. To learn how and when, if at all, to make objections to the evidence and how to timely preserve the record for appeal.
10. To be able to “think on your feet” and successfully pivot and/or adjust your approach during a trial, due to an unexpected “turning” of a witness at trial.
11. To master the skill of preparing and cross-examining expert witnesses.

### **Class Format**

We will be using real life fact patterns and performing exercises relating to all parties of a jury trial, which will require full class preparation and participation by every student in each class.

We will conduct four (4) full trials from state to finish (2 non-jury; 2 jury). All students will be assigned roles in each case/fact-pattern.

Jurors will be provided by the students and will deliberate “openly” and will offer constructive feedback to the students. Students will be able to ask jurors specific questions after the trial to assist them in augmenting their trial skills.

### **Course Materials**

There is no textbook for this course. All materials will be provided by the instructor during class.

### **Student Responsibilities**

Students are required to attend class and to be timely at all times. If a student knows that he/she cannot attend a class or that he/she will be late for class, it is the responsibility of that student to contact the professor beforehand by phone or email.

All students are required to prepare for their assigned role well in advance of class and to make themselves available for attorney preparation. All students must provide contact information to all other students and shall respond to inquiries as soon as possible.

All students, when designated, shall supply the class with at least one (1) “non-legal” juror.

Failure to comply with any of these responsibilities may jeopardize a student’s credit for this course.

### **Student Evaluation**

This course will be graded pass/fail (CR/NC). Students will be evaluated based on their class participation, attendance, and grasp of trial techniques.

### Office Hours and Contact Information

I will have no set formal office hours, but I encourage any student to meet with me, in person or by phone, to discuss any topic or issue a student wishes, class-related or otherwise. I can be reached at 703-792-6060 (office line) or via email at [kirving@vacourts.gov](mailto:kirving@vacourts.gov).

### Class Schedule

#### **Monday, January 24, 2022- 6:00pm - 8:05pm**

Class 1: INTRODUCTION – OVERVIEW OF COURSE

1. Course materials
2. Assignment of class projects

#### **Monday, January 31, 2022- 6:00pm - 8:05pm**

Class 2: EFFECTIVE VOIR DIRE EXAMINATION

1. Participation in class in *voir dire*
2. \*All designated class members must bring at least one “non-legal” juror to class

#### **Monday, February 7, 2022- 6:00pm - 8:05pm**

Class 3: TRIAL No. 1 (Non-Jury) (Plaintiff)

1. Fact pattern to be supplied

#### **Monday, February 14, 2022- 6:00pm - 8:05pm**

Class 4: TRIAL No. 1 (Non-Jury) (Defense)

1. Fact pattern to be supplied

#### **Monday, February 21, 2022- 6:00pm - 8:05pm**

Class 5: DEPOSITIONS

1. Purpose
2. Effect
3. Mock deposition by class

EXPERT WITNESSES “Live or Die by Them”

1. Do you really need an expert?

2. How to select an expert?
3. Will the court allow an expert?
4. Real life experts in the field of medicine, toxicology, engineering and accident reconstruction

**Monday, February 28, 2022- 6:00pm - 8:05pm**

Class 6: DIFFICULT EVIDENTIARY ISSUE

1. How to get it in
2. How to keep it out
3. Exhibits and demonstrative evidence

**Monday, March 7, 2022- 6:00pm - 8:05pm**

Class 7: MAKING AND PRESERVING OBJECTIONS

1. Continuing objections
2. Stipulations
3. Proffers
4. Motions in limine
5. Requests for Admissions

CLOSING ARGUMENT

1. Theme consistent?
2. Can you deliver what you promised?
3. Passion and belief
4. Are you still in control of the courtroom?

**Monday March 14, 2022- Friday March 18, 2022: SPRING BREAK NO CLASS**

**Monday, March 21, 2022- 6:00pm - 8:05pm**

Class 8: TRIAL No. 2 (Non-Jury) (Plaintiff)

1. Fact pattern to be supplied

**Monday, March 28, 2022- 6:00pm-8:05pm**

Class 9: TRIAL No. 2 (Non-Jury) (Defense)

1. Fact pattern to be supplied

**Friday, April 1, 2022- 6:00pm – 10:00pm + (OR Saturday April 2, 2022 9:00am-1:00pm)**

Classes 10 & 11: TRIAL No. 3 (Jury)

1. Participation by class from *voir dire* to verdict
2. All designated class members must bring at least one “non-legal” juror

**Final Jury Trial (Class 12 & 13): TBD**

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