

## **ADVANCED TRIAL ADVOCACY**

(331-001)

Antonin Scalia Law School

George Mason University

### **Course Syllabus**

Spring Semester 2024

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 fact patterns involving both criminal and civil cases. Students in the class should have completed, or be enrolled in, 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 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 transfer the trial skills learned in this class to any type or level of advocacy, criminal or civil.
7. To master communication skills with the judge and jury and to successfully advocate for a positive outcome for your client.

8. To learn how and when, if at all, to make objections to the evidence and how to timely preserve the record for appeal.
9. 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.
10. 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 two (2) full bench trials from start to finish All students will be assigned roles in each case/fact-pattern.

### **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 actively participate in class. This is an experiential class—students will get the best experience in this class by participating to the fullest.

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. 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

### **Thursday, January 18, 2024- 4:00pm - 6:00pm**

#### Class 1: INTRODUCTION – OVERVIEW OF COURSE

1. Course materials
2. Class layout

### **Thursday, January 25, 2024- 4:00pm - 6:00pm**

#### Class 2: EFFECTIVE VOIR DIRE, Part I

1. Getting Jurors to talk
2. Front loading your theme
3. Taking control of the Courtroom

### **Thursday, February 1, 2024- 4:00pm - 6:00pm**

#### Class 3: VOIR DIRE, Part II

1. Participate in class *voir dire*
2. All students should try to bring one extra person to class to be used as a juror

### **Thursday, February 8, 2024- 4:00pm - 6:00pm**

#### Class 4: OPENING STATEMENTS

1. Fact pattern to be supplied
2. How to tell your story

### **Thursday, February 15, 2024- 4:00pm - 6:00pm**

#### Class 5: DEPOSITIONS & DIRECT EXAMINATION, Part I

1. Purpose
2. Effect

### **Thursday, February 22, 2024- 4:00pm - 6:00pm**

#### Class 6: DIRECT EXAMINATION, Part II, & FOUNDATIONS

1. Directing the stubborn witness
2. Adverse witnesses
3. Memorize your foundations

**Thursday, February 29, 2024- 4:00pm - 6:00pm**

Class 7: EXPERT WITNESSES "Live or Die by Them"

1. Laying the foundation for your witness

**Monday, March 4, 2024- Friday March 8, 2024: SPRING BREAK NO CLASS**

**Thursday, March 14, 2024- 4:00pm - 6:00pm**

Class 8: INTRODUCING EVIDENCE

1. Foundation
2. Purpose
3. Admit into Evidence
4. Publishing to the Jury

**Thursday, March 21, 2024- 4:00pm - 6:00pm**

Class 9: CROSS EXAMINATION

1. What point are you trying to make?
2. LEAD the witness
3. Cross examination practice

**Thursday, March 28, 2024- 4:00pm - 6:00pm**

Class 10: CLOSING ARGUMENTS

1. Is your theme consistent?
2. Can you deliver what you promised?
3. Passion and belief is key
4. Are you still in control of the courtroom?

**Thursday, April 4, 2024- 4:00pm - 6:00pm**

Class 11: BENCH TRIAL

**Thursday, April 11, 2024- 4:00pm - 6:00pm**

Class 12: BENCH TRIAL

**Thursday, April 18, 2024- 4:00pm - 6:00pm**

Class 13: Recap

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