

POLITICAL SCIENCE 448 – Section Q1

MOCK TRIAL

Fall, 2014

INFORMATION

COURSE: Monday, 5:15pm – 7pm, **CLASSROOM TO BE ANNOUNCED**

INSTRUCTORS: Dr. Mikel Norris & Dr. Michael Julius

OFFICE: Brittain Hall #341 (Norris) & Brittain Hall #354 (Julius)

OFFICE HOURS: Monday & Wednesday 3-5pm, and by appointment (Norris); Monday, 3 – 5pm, Wednesday 3 – 6pm, Friday 3 – 4pm, and by appointment (Julius)

E-MAIL and PHONE: mnorris1@coastal.edu / (843) 349-4033 and mjulius@coastal.edu / (843) 349-2689

INTRODUCTION

Catalog Description

Mock Trial (1) (Prereq: POLI 447 or permission of the instructor). Mock trial is an activity in which students learn the principles of trial advocacy and then apply those principles as they try a fictitious case. Mock trial gives undergraduate students the opportunity to learn firsthand about the work of trial attorneys, understand the judicial system, develop critical thinking, increase self-confidence, and develop the ability to work well with others.

Course Description

Mock trial is an opportunity for the advanced pre-law student to implement the trial tactics and courtroom procedure that have been taught in a variety of other classes within the political science atmosphere. Here, the students will apply on a weekly basis the methodology of trial techniques that have been stressed throughout the student's expedition into jurisprudence. Trial, tactics, and ethics are at the core of this class, and the student will be expected to perform with others in a competent, knowledgeable, and professional manner during the various trial stages.

Student Learning Outcomes

The student will:

- ❖ Demonstrate knowledge and understanding of the American judicial system
- ❖ Understand and apply the basic terms and concepts associated with trial
- ❖ Develop an understanding of the courtroom work group, their duties, and authority
- ❖ Demonstrate an understanding of the various issues often present during trial
- ❖ Demonstrate critical thinking, analytical skills, and the ability to respond quickly and accurately to questions and objections

Quality Enhancement Plan – The Coastal Experience

Coastal Carolina University has chosen *The Coastal Experience* as its Quality Enhancement Plan (QEP). The fundamental purpose of *The Coastal Experience* is to strengthen the abilities of students to link theory with practice by expanding and enhancing experiential learning across the University's educational programs. The goals of this program are:

- ❖ ***Goal 1: Students investigate and choose an experiential learning activity that compliments their academic program and/or career goals.***

SLO A: Students will identify experiential learning activities and select one or more that complement their academic program and/or career goals. This will be accomplished by the student selecting Trial Advocacy (POLI 447) and/or Mock Trial (POLI 448) – whichever is applicable.

- ❖ ***Goal 2: Students participate in experiential learning activities that complement and build on the knowledge and skills relevant to their academic program and/or career goals.***

SLO A: Students will identify knowledge and skills they expect to apply in the experiential learning activities they have chosen

SLO B: Students will demonstrate the knowledge and skills obtained through participation in experiential learning activities.

SLO C: Students will compare and contrast their expected learning to their actual learning derived from experiential learning activities. This goal will be accomplished by attending and participating in a sanctioned American Mock Trial Competition.

- ❖ ***Goal 3: Students critically reflect on the relationship between experiential learning, their academic experience, and the world in which they live***

SLO A: Students will demonstrate a high level of comprehension and skill in connecting theory and practice which is correlated to their level of participation.

SLO B: Students will reflect on the impact that experiential learning activities has had on their personal academic and/or career goals.

SLO C: Students will reflect on the impact their participation on experiential learning activities has had on their academic or career field, and/or the community, and/or on other individuals.

Upon the completion of the semester, students will be required to submit a 2-3 page essay addressing the impact this program has had on them.

Course Objectives

The primary thrust of this course is to teach the principles and ethics of trial advocacy, and to have the students then apply these principles to a fictitious case. This will enable the students to develop the skills necessary to become successful mock trial competitors. The objects will include:

- ❖ The development of critical thinking skills, and the ability to quickly and accurately respond to new arguments and situations in mock trial competition
- ❖ To become effective witnesses, and to respond to both direct examination and cross-examination
- ❖ To develop oral communication skills
- ❖ Mock trial will acquaint students with courtroom procedures, legal reasoning, and litigation techniques
- ❖ To prepare the students for admission to law school or whatever career they seek

EVALUATION and GRADING

Students can earn a total of 100 points in this course. Your grade in this course will be based on your participation, preparation, and performance. Points can be earned as follows:

- ❖ Attendance: 20 points
- ❖ Class Participation: 10 points
- ❖ Preparedness: 35 points
- ❖ 2 Quizzes (one quiz on the case, and one on AMTA rules): 10 points each
- ❖ Peer evaluations: 5 points
- ❖ Paper: 10 points

COURSE POLICIES and ASSIGNMENTS

Attendance: In a course like this one, attendance is absolutely essential. Attendance is mandatory and we will not excuse absences for any reason other than University representation. 10 points will be taken from a student's attendance grade **AND** class participation grade after their first absence. If a student misses two or more classes they will fail the course.

Class Participation: Every mock trial participant must contribute to the development of the case in order for the team to succeed. This part of your grade has two components: How the six members of each team collaborate with one another to develop their case, and how each lawyer/witness team works together to develop their parts and rapport with one another. The instructors will assess levels of class participation and inform students of their progress as the course progresses.

Preparedness: We cannot have a good mock trial team unless every member of the team is prepared to do their part. At the end of every class, each attorney and witness will be given an assignment (for example, questions for witnesses, answers to questions, memorization of parts, opening/closing statements, objections and responses, etc.), and we will expect that each student will have the assignment completed to the best of his or her ability for the next class. 10 points will be deducted from a student's grade each time they come to class unprepared. If a student comes to class unprepared for three classes they will fail the course.

Quizzes: Two quizzes will be given to test students' knowledge of AMTA rules and details of the case. The case-specific quiz will focus on relevant statutory and case law, as well as charges, and evidentiary standards. Each quiz will be 10 questions in either multiple choice, fill in the blank, or short written answer format. The date of the AMTA rules quiz is **Monday, September 8th**. The date of the case-specific quiz will be **Monday, September 22nd**.

Peer Reviews: Peer review will be used to insure students are meeting their regular obligations as mock trial participants. These anonymous reviews will be given at the end of the course.

Paper: Each student will be required to complete a 2-3 page reflection paper on their mock trial experience over the course of the semester. This paper will be due the day of the final exam for this course. This will be **Monday, December 8th**.

Letters of Recommendation Policy: The instructors cannot emphasize enough how important active attendance, participation and preparation are to developing a good mock trial team. The

instructors have agreed on a policy whereby **we will not write letters of recommendation for law school for students who miss class time and come to class unprepared** (i.e. miss two or more classes or come to class and are unprepared one or more times). Students on the best mock trial teams are committed to their team and are driven to succeed and win. These are the same qualities law schools are looking for. If you are not committed to these goals you are not ready for law school and we will not waste our time (and the time of the Law School Admissions Council) writing false and misleading recommendation letters that say otherwise.

Practice Outside of Class: While not required, students may wish to meet outside of class to practice their parts – especially near competition time. Extra meetings may be scheduled by the instructors if they believe the team is not prepared to compete. The structure of this class – meeting only on Monday nights – should leave a natural break in your schedules to meet on Wednesday and/or Friday nights in small groups to practice. Students who do so should report this to the instructors and to their team captains, as it will bolster your preparation grade and can also positively affect your peer review.

Tournaments: All students enrolled in Mock Trial are expected to compete in **all** enrolled invitational tournaments, as well as in regional competitions. Participants must be able to make changes to their schedules to accommodate travel for these tournaments. Due to the nature of the fall mock trial schedule, we do not yet know if we will participate in a fall invitational. If a desirable invitational becomes available, the instructors will determine whether we can attend, and discuss scheduling options with students. If you are unwilling or unable to adjust your schedule to attend these tournaments then you should reconsider participating in mock trial.

Readings: There are no assigned textbooks for this course. However, there is assigned reading for most class periods. These readings – as well as all other materials – will be posted on Moodle. Students are also expected to read all of the case materials and all of the AMTA rules. A copy of all of the case materials will be provided for students. The AMTA rulebook will be posted on Moodle, but it is highly recommended that students print and bind the AMTA rulebook in order to have a copy of it at your disposal – both for class and for competition.

The instructors reserve the right to have as many pop quizzes as necessary to make sure participants are staying abreast of their required readings.

Team Captains: The prosecution and defense will both elect a team captain. Team captains will be responsible for making sure all team members are meeting their obligations, work to build team confidence and morale, and will represent the team at team captain meetings at tournaments. There is extra work associated with being a team captain, so this is a voluntary position.

*******THE PROFESSOR RESERVES THE RIGHT TO MAKE CHANGES TO THE SYLLABUS DURING THE COURSE OF THE SEMESTER. ANY CHANGES WILL BE DISCUSSED IN CLASS BEFOREHAND*******

COURSE SCHEDULE AND ASSIGNMENTS

MONDAY, AUGUST 18.....COURSE INTRODUCTION & ASSIGNMENTS

- We will review the syllabus in detail so all students understand what is expected of them during the semester. Case materials will be handed out if AMTA has made them available. If they haven't then we will determine when materials can be distributed. We will provide a brief overview of the case. Finally, roles for attorneys and witnesses will be handed out.
- **READING ASSIGNMENT: Skim Chapter 1 and read Chapters 2 and 3 in *Pleasing the Court* (available on Moodle)**
- **REVIEW ALL CASE MATERIALS**

MONDAY, AUGUST 25.....VIDEO & CASE STRATEGIES

- We will watch a video of last year's National Championship final round. Afterward we will talk about what made the two competing teams so successful, and discuss ways to use those strategies for our own team. Finally, we will discuss the strategies for approaching the cases for the prosecution and defense.
- **READ AMTA CASE RULES (available on Moodle); REVIEW ALL CASE MATERIALS**

MONDAY, SEPTEMBER 1.....AMTA RULES & ELEMENTS of a TRIAL

- We will spend our class time reviewing AMTA rules and court procedures essential for competing in mock trial.
- **IN THIS CLASS THE PROSECUTION AND DEFENSE WILL DO THE FOLLOWING:**
 1. **Declare their Team Captain**
 2. **Declare their witnesses for trial and who will be playing each witness role (this declaration is not final, but each team needs to be fairly certain the witnesses they choose are who they want to use)**
- **READING ASSIGNMENT: Chapter 5 in *Pleasing the Court* (Available on Moodle); Read and Review AMTA Case Rules to prepare for AMTA Rules Quiz.**
- **Attorneys and witnesses need to begin thinking about their parts and begin preparing for their cases-in-chief.**

MONDAY, SEPTEMBER 8.....STIPULATIONS; STATUTORY & CASE LAW

- **AMTA RULES QUIZ**
- We will review the applicable stipulations, statutory law and case law relevant to the case. We will discuss why they are important and how they can be used in the case. Students must be prepared to learn and memorize all relevant statutory and case law, as this section of the case will make up the greatest portion of their Case Quiz.
- **READING ASSIGNMENT: Chapter 4 in *Pleasing the Court* (Available on Moodle); Read and Review stipulations, and relevant statutory and case law.**

MONDAY, SEPTEMBER 15.....AFFIDAVITS & EVIDENCE

- We will review the standards of evidence for a civil trial and review all pieces of evidence in the case materials to determine which pieces of evidence should be incorporated into the cases-in-chief for the prosecution and defense. We will also review the affidavits of the different witnesses and talk about best practices for using affidavits for direct and cross examination. Witnesses will begin working with one another separately to begin developing their characters.
- **IN THIS CLASS THE PROSECUTION AND DEFENSE WILL DO THE FOLLOWING:**
 1. **Make final declaration of witnesses**
 2. **Declare who will be cross examining each witness**
- **READING ASSIGNMENT: Review all course materials to prepare for Case Quiz**
- **Witnesses need to begin developing and memorizing their parts in earnest.**

MONDAY, SEPTEMBER 22.....DIRECT EXAMINATION

- **CASE QUIZ**
- After the quiz we will discuss the ins and outs of direct examination. Attorneys, in conjunction with their witnesses, will begin drafting their direct examinations, which will be reviewed by the instructors.
- **ASSIGNMENT: Attorneys must come to the next class with a rough draft of all of their questions and answers for direct examination. These questions also need to be handed in to your team leaders NO LATER THAN FRIDAY, SEPTEMBER, 27th. Witnesses need to have the details of their part memorized in full by the next class. Character development needs to be fairly strong by this point as well.**

MONDAY, SEPTEMBER 29.....BIO – BLAST and DIRECT EXAMINATION

- This class period will primarily be devoted to our witnesses. Each witness will portray their character for the entire team to demonstrate their knowledge of their role, and to also show the team their character development. Afterward, we will continue to work on refining direct examination of witnesses.
- **ASSIGNMENT: Attorneys must come to the next class with a revised draft of their questions and answers for direct examination. By this time questions and answers for direct examination need to be close to completed. Attorneys and witnesses will also need to demonstrate that they have started memorizing questions and answers in cross examination. These questions also need to be handed in to your team leaders NO LATER THAN FRIDAY, OCTOBER 3rd.**

MONDAY, OCTOBER 6.....DIRECT EXAMINATION and OBJECTIONS

- In this class period we will conclude our concentration on direct examination by making sure all direct examinations are in their final stages of completion. We will then begin working on the art of objections, focusing on when and why they are used. Attorneys should also think about how they will respond to objections.
- **ASSIGNMENT: Attorneys need to prepare a final draft of their direct examination. They must also prepare a list of possible objections to any of their questions on direct examination, and appropriate responses to those objections if they were to be raised during trial. This assignment needs to be handed in to your team leaders NO**

LATER THAN FRIDAY, OCTOBER 10th. By this time, witnesses should have most of their parts memorized and their characters developed and refined.

MONDAY, OCTOBER 13.....CROSS EXAMINATION and OBJECTIONS

- We will conclude our discussion objections and move to cross-examination of witnesses. We will discuss the ins and outs of how to properly cross-examine a witness and how to protect your own witness when they are being cross-examined by the other team. Attorneys will then begin to work on questions for cross examination.
- **ASSIGNMENT:** Attorneys must come to the next class with a rough draft of their questions for cross examination, along with possible objections and responses. They must also discuss possible questions the opposing side may ask their witness during cross-examination, and how they would handle these questions. Witnesses need to prepare responses to possible questions they may be asked during cross examination. This assignment needs to be handed in to your team leaders **NO LATER THAN FRIDAY, OCTOBER 17th**. By this time Attorneys need to have most (if not all) of their direct examination memorized. Witnesses should have all of their character development completed and memorized.

MONDAY, OCTOBER 20.....SCRIMMAGE #1

- We will have our first scrimmage between the prosecution and defense. This scrimmage will only consist of direct examinations and cross examinations of witnesses. After the scrimmage we will review and discuss areas of improvement.
- **IN THIS CLASS, THE PROSECUTION AND DEFENSE WILL DO THE FOLLOWING:**
 1. Declare which attorney will be giving their opening statement
 2. Declare which attorney will be giving their closing statement
- **EXPECTATIONS FOR SCRIMMAGE:**
 1. Attorneys have a completed list of questions to present for direct examination.
 2. Attorneys are able to object to questions and respond to objections raised by the opposing side.
 3. Attorneys have memorized at least half of their questions for direct examination.
 4. Witnesses know most of their part.
- **ASSIGNMENT:** Attorneys must come to the next class with a final draft of their cross examination, as well as responses to possible questions their witness may be asked during cross examination. Witnesses need to prepare final responses to possible questions they may be asked during cross examination. This assignment needs to be handed in to your team leaders **NO LATER THAN FRIDAY, OCTOBER 24th**.
- Attorneys giving opening statements need to review the discussion on opening statements in *Pleasing the Court*, and also review the material posted on Moodle about crafting an opening statement.

MONDAY, OCTOBER 27.....OPENING STATEMENTS and REFINEMENT

- This class will primarily be devoted to ironing out any problems arising from scrimmage #1. Attorneys chosen to give opening statements will work with instructors on the elements and best practices of delivering an opening statement.
- **ASSIGNMENT:** Attorneys giving opening statements must come to the next class with a rough draft of their opening statement, and need to hand in a rough draft of their opening statement to their team leaders **NO LATER THAN FRIDAY, OCTOBER 31st**. By this time all attorneys should have memorized their questions for direct and cross-examination. Witnesses should have completely memorized all parts to their characters.

MONDAY, NOVEMBER 3.....SCRIMMAGE #2

- We will have our second scrimmage between the prosecution and defense. This scrimmage will consist of opening statements, direct examinations and cross examinations of witnesses. After the scrimmage we will review and discuss areas of improvement. If time permits, the instructors will work with attorneys giving closing statements.
- **EXPECTATIONS FOR SCRIMMAGE:**
 1. Attorneys have memorized most of their questions for direct examination
 2. Attorneys have memorized most of their questions for cross examination
 3. Attorneys can comfortably object and respond to objections with minimal use of case materials
 4. Attorneys show improvement in delivery of their opening statements
 5. Witnesses demonstrate thorough character development
- **ASSIGNMENT:** Attorneys giving closing statements need to review the discussion on closing statements in *Pleasing the Court*, and also review the material posted on Moodle about crafting closing statement. Attorneys giving opening statements must come to the next class with a revised draft of their opening statement, and need to hand in a revised draft of their opening statements to their team leaders **NO LATER THAN FRIDAY, NOVEMBER 7th**. By this time all attorneys should have memorized their questions for direct and cross-examination. Witnesses should have completely memorized all parts to their characters.

MONDAY, NOVEMBER 10.....CLOSING STATEMENTS and SCRIMMAGE #3

- We will have our third scrimmage between the prosecution and defense. This scrimmage will consist of opening statements, direct examinations and cross examination of witnesses. After the scrimmage attorneys chosen to give closing statements will work with instructors on the elements and best practices of delivering a closing statement.
- **EXPECTATIONS FOR SCRIMMAGE:**
 1. Attorneys have memorized all questions for direct and cross examination
 2. Attorneys can comfortably object and respond to objections with minimal use of case materials
 3. Attorneys can deliver opening statements with minimal reference to notes
- **ASSIGNMENT:** Attorneys giving closing statements must come to the next class with a rough draft of their closing statements, and need to hand in a rough draft of their closing statements to their team leaders **NO LATER THAN FRIDAY, NOVEMBER 14th**. By this time all attorneys should have memorized their questions

for direct and cross-examination. Witnesses should have completely memorized all parts to their characters. Attorneys giving opening statements should have most (if not all) of their opening statements memorized.

MONDAY, NOVEMBER 17.....SCRIMMAGE #4

- We will have our fourth scrimmage between prosecution and defense. This scrimmage will be a COMPLETE scrimmage, with all elements of the trial included.
- **THE EXPECTATION IS THAT BY THE END OF THIS CLASS, ALL STUDENTS SHOULD HAVE ALL PARTS ASSIGNED TO THEM MEMORIZED. THE ONLY EXCEPTION WILL BE ATTORNEYS GIVING CLOSING STATEMENTS**

MONDAY, NOVEMBER 24 – THANKSGIVING BREAK (NO CLASSES)

MONDAY, DECEMBER 1.....SCRIMMAGE #5

- We will have our fifth scrimmage between prosecution and defense. This scrimmage will be a COMPLETE scrimmage, with all elements of the trial included. We will also complete our peer reviews during this class.
- **BY THE END OF THIS CLASS, ALL STUDENTS SHOULD HAVE ALL PARTS ASSIGNED TO THEM MEMORIZED. NO EXCEPTIONS.**

*******THE PROFESSOR RESERVES THE RIGHT TO MAKE CHANGES TO THE SYLLABUS DURING THE COURSE OF THE SEMESTER. ANY CHANGES WILL BE DISCUSSED IN CLASS BEFOREHAND*******