

FALL SEMESTER 2024
TRIAL ADVOCACY – LAWS 679
WEDNESDAY AT 5:05, Room 135

Introductory Information

1. Final grades for this course will be based on advocacy presentations, a midterm, quizzes, and class participation.
2. Class Attendance is required. Per Section IV, subsection C of the Student Handbook, if you miss two (2) classes, that is a violation of the attendance requirement, and you must petition for an attendance waiver. Please inform me by email, in advance, if you must miss a class.
3. The course can be found on **TWEN** – Trial Advocacy (Judge Clifton Newman). Additional course material may be uploaded to TWEN throughout the semester.
4. Textbook – **Trial Advocacy: Planning, Analysis, and Strategy** by M. Berger, J. Mitchell, and R. Clark (5th edition). The foundation of everything we will do in class will be covered in this book.
5. There is no final exam in this class.
6. This course has a separate companion **Litigation Technology Training** component which is held on Fridays at 10:45 am-12:50 PM. You are responsible for attending that course each week. Your performance and grade in the companion course has no bearing on your grade in Trial Advocacy.
7. The classroom is equipped with the latest technology to aid in presentations. You are strongly encouraged to make use of it. You may take what you learn in your Litigation Technology Training course to help you in using technology in class. You may also create your own demonstrative exhibits to augment what is in the materials.
8. Class registration is generally limited to 12-16 students. There may be time restrictions on the exercises in order for there to be sufficient time to cover the class materials. In most instances, you will either play the role of a lawyer or a witness.
9. I will provide critiques following your exercises as teaching points for the entire class. Please be aware that you will be informed when you are doing something that is ineffective or incorrect. Do not allow constructive criticism to hurt your feelings. The goal of this course is to assist you in developing your advocacy skills as you embark on your legal career.
10. What you will learn:
 - a. How to prepare for court.
 - b. How to develop winning case themes.
 - c. How to organize and deliver a compelling opening statement.
 - d. How to lay a proper foundation for the introduction of evidence.
 - e. How to make and oppose objections.
 - f. How to compose and conduct interesting, informative direct examinations.
 - g. How to conduct an effective cross examination.
 - h. How to conduct understandable and persuasive direct examinations of an expert witness.
 - i. How to effectively cross examine an expert witness.
 - j. How to organize and deliver a case-winning closing argument.
 - k. Develop advocacy skills.
 - l. The best approach to pleasing the judge.

11. You will learn to improve your communication skills, learn some substantive law, and develop a better understanding of courtroom procedures and the rules of evidence.
12. Depending on class size, you will be assigned to teams of two. Please advise if you want to be paired with a friend. Initial team assignments will be made on either the first or second day of class. You will be expected to be accessible to your co-counsel. If your co-counsel is not cooperating please let me know. Learning to work with co-counsel is an integral part of the class.
13. Experienced attorneys may appear as guest lecturers to help inspire positive reinforcement.
14. Active class participation and total commitment are **essential** to successfully navigate this course.

DATE	CLASS #	SUBJECT	READING ASSIGNMENTS (Subject to change)
8/28	1	Introduction – Case Theory, Theme Development; Trial Overview; The Art of Persuasion	Chapters 1 and 2 Review the casefile (<i>Summers v. Hard</i> and <i>State v. Hard</i>) In-Class Exercise: Developing Case Theory and Theme
9/4	2	Opening Statements	Chapter 4 In-Class Exercise: Outlining and Preparing an Opening Statement
9/11	3	Opening Statements	Chapter 4 <i>Opening Statement Advocacy Presentations</i>
9/18	4	Opening Statements Continued	Chapter 4 <i>Opening Statement Advocacy Presentations</i> Quiz #1 (covers classes 1-3)
9/25	5	Evidentiary Objections; Exhibits; Visual Aids	Chapters 5, 6, and 7 In-Class Exercise: Objection Practice
10/2	6	Direct Examination/Cross Examination/Expert Witnesses	Chapters 8, 9, and 10 Quiz #2 (covers class 5, and chapters 8 and 9)
10/9	7	Direct Examination/Cross Examination/Expert Witnesses	<i>Direct Examination and Cross Examination Advocacy Presentations</i> Midterm Review
10/16	8	Midterm Examination	The Midterm covers reading material and in class discussions from classes 1 through 7
10/23	9	Direct Examination/Cross Examination	Chapters 8 and 9 <i>Direct Examination and Cross Examination Advocacy Presentations</i>
10/30	10	Direct Examination/Cross Examination/Expert Witnesses	Chapters 8 and 9 <i>Direct Examination and Cross Examination Advocacy Presentations</i>
11/6	11	Closing Arguments	Chapter 12 Quiz #3 (covers expert witnesses and chapter 12)

			In-Class Exercise: Draft and present a condensed closing argument
11/13	12	Closing Arguments	Chapter 12 <i>Closing Arguments Advocacy Presentations</i>
11/20	13	Closing Arguments/Wrap Up	Chapter 12 <i>Closing Arguments Advocacy Presentations</i> Final Discussions

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