Faculty and Staff
The Director of the Litigation Skills Program is Professor Laurence M. Rose. His office is located in the Kozyak, Tropin & Throckmorton Suite of the Litigation Skills Program, Suite A310, telephone number 305 284-2303.

The regular adjunct faculty consists of 35 practicing trial lawyers and judges in the Trial Skills section, and 13 in the Pretrial Skills section.

The Program Manager is Lydia Sanchez. The coordinating assistants are Michelle Rodriguez and Hazel Nicholson. They are in the Litigation Skills office, Suite A310, telephone number 305 284-2303. You may contact the staff via e-mail litskill@law.miami.edu

Class Schedule
NOTE THIS SPECIAL CLASS.
A special lecture will be held on FRIDAY, January 20th Room 352 (1:00-5:00pm).

The class schedule for Lecture/Demonstration, Trial, and Pretrial classes is on Page 6.

If you have a disability, or suspect that you may have a disability, the Law School encourages you to contact Iris Morera, Coordinator, Disability Services at the Office of Disability Services for information about available opportunities, resources, and services. Her phone number is 305-284-9907, and her email address is imorera@law.miami.edu. You may also visit the Disability Services website at www.law.miami.edu/disabilityservices

Course Material
The following books are required for this course. They are available at UM Book Store or Book Horizons:

PRETRIAL, Mauet, Ninth Ed. Aspen
ISBN 9781 4548 5633 7

MODERN TRIAL ADVOCACY LAW SCHOOL EDITION, Lubet, Fourth Ed, NITA
ISBN 9781 60156 573 0

PROBLEMS IN TRIAL ADVOCACY, 2015 Edition, NITA
ISBN 9781 60156 505 1

BENCH TRIAL - In Re Cooperman Case File, Bocchino, Second Ed, NITA
ISBN 9781 5568 1957 5

FINAL TRIAL case files.... (TBA later in the semester)
SD CARD You are required to purchase from the Law School, Copy Center for trial class. We will also concentrate on the Florida Rules of Civil and Criminal Procedure and the Florida Evidence Code, which are available online.
Please note the following

SPECIAL CLASSES

WEEK #1
January 20th, Friday
Room 352 (1:00-4:00pm)  Lecture
Introduction, Theory of the Case, Direct &
Cross Examination, Interviewing & Theatre Presentation

WEEK #2
January 23rd, Monday
TRIAL AND PRETRIAL WORKSHOPS BEGIN

WEEK #8
March 6th – 10th  BENCH TRIALS
Each student will participate as co-counsel in a Bench Trial. The Bench Trial will be
scheduled on your regular morning or evening classes. You will be assigned a bench trial
partner. *Your bench trial partner should not be the same person that you would choose
for final trial partner.* If you are paired with the person that you would like to choose
as a final trial partner, please let the Program Coordinator know a.s.a.p. Your bench trial
assignment will be changed accordingly.

WEEK #9
March 13th – 17th  SPRING BREAK – NO CLASS

WEEK #14
April 22nd 2017  FINAL TRIALS
Pretrial and Trial Assignments
Specific Pretrial and Trial assignments will be made by January 20\textsuperscript{th}. Please check TWEN for your class assignments.

Format
The purpose of the Monday Lecture/Demonstrations is to examine theoretical questions arising during litigation and to explain proper technique in a variety of litigation settings. The proper preparation of the exercises assigned for each week will be specifically addressed.

The Monday lecture will address the following week’s skills in detail. Each student should be familiar with the facts of the hypotheticals for their weekly workshops before the Monday Lecture/Demonstration, in addition to having completed the required reading assignment.

All students are required to attend the following LECTURE/Demonstration CLASS:

\textbf{Friday, January 20\textsuperscript{th}, Room 352 (1:00-5:00pm)}

The course will be conducted by the simulation and critique method. Students will be required to prepare simulated exercises for each workshop. During the class time, the instructor will call upon the students, individually or in teams, to assume the role of counsel for one of the parties and then to perform the assigned exercise. Performance in class is always followed by critique. The purpose is to develop skills by learning from experience, which includes watching other student’s performances and listening to their critiques.

Students must be prepared, each week, to make a presentation. Students are encouraged to work together. On some occasions, hopefully infrequent, not all students will be called upon during the class session. Those students not performing one week should so indicate to the instructor at the beginning of the next class session.

\begin{center}
\textbf{PRETRIAL CLASSES}
\end{center}

\textbf{Pretrial AM.} Classes meet from 7:00 to 8:50am Tuesday, Wednesday and Thursday.
\textbf{Pretrial PM.} Classes meet from 6:30 to 9:30pm on Monday, Tuesday, Wednesday and Thursday.

\begin{center}
\textbf{TRIAL CLASSES}
\end{center}

\textbf{Trial AM.} Classes meet from 7:00 to 8:50am Tuesday, Wednesday and Thursday.
\textbf{Trial PM.} Classes meet from 6:30 to 9:30pm Monday, Tuesday, Wewndesday and Thursday.

Each student will participate as co-counsel in a bench trial during the week of \textbf{March 6\textsuperscript{th}}. The bench trial is usually scheduled on students’ regular morning/evening class.

A jury trial will be held on \textbf{SATURDAY, April 22\textsuperscript{nd}, 2017}. You may choose your final trial partner. Students with a religious or other unavoidable conflict may be scheduled for a jury trial at another time with the permission of the coordinator, Lydia Sanchez. These arrangements must be made, in writing, via e-mail to litskill@law.miami.edu no later than \textbf{MONDAY, January 23\textsuperscript{rd}, 2017}. 
Video recording

Trial classes and bench trials will be recorded. Students are required to review their weekly video one-on-one with a communications instructor or faculty member. The communications instructors will not grade your performances, but will help enhance your communication skills. The video review schedule for morning and evening trial classes are announced in trial class.

Method of Evaluation

While Litigation Skills I is graded according to the Honors/Pass/Fail system, to determine these classifications the students will be graded on their performance in each classroom simulation. Students are also graded on their overall classroom participation including but not limited to, attendance, evidence of preparation for the simulated exercises, quality of involvement in classroom discussion, and degree of professional skills demonstrated.

<table>
<thead>
<tr>
<th>TRIAL SKILLS (3 CR.)</th>
<th>PRETRIAL SKILLS (3 CR.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekly sessions (10)</td>
<td>50%</td>
</tr>
<tr>
<td>Bench Trial</td>
<td>20%</td>
</tr>
<tr>
<td>Jury Trial</td>
<td>30%</td>
</tr>
</tbody>
</table>

Weekly sessions (10) 100%

Bench Trial evaluations are based on Direct and Cross-Examination, Objections, Strategy and Demeanor. Final Jury Trials will be evaluated based upon the following areas: Opening or Closing, Direct and Cross-Examination, Objections, Legal Arguments, Witness Preparation and Demeanor. No written final examination will be given.

Attendance

Because the course consists primarily of performances and demonstrations, attendance is MANDATORY at all Lecture/Demonstrations, Pretrial, and Trial classes. Attendance will be taken regularly and the Director reserves the right to invoke any sanction set forth in the section on attendance in the Student Handbook.

Although occasional absences may be necessary due to illness or emergency, such absences cannot be "made-up." If difficulties arise due to illness or extraordinary circumstances, the Director of the Program or the Program Coordinator should be consulted immediately. In the event you must be absent from class, you are required to contact the Litigation Skills Office and file a notification of absence with the Dean of Students, for each class you miss.

NOTE: It is your responsibility to obtain any information that you may have missed due to an absence.

While this is an intense and rigorous course, which necessitates a great deal of outside preparation, it is not intended that students take time from other classes.

STUDENTS WHO DO NOT FEEL THEY CAN CARRY THIS HEAVY WORKLOAD ARE DISCOURAGED FROM ENROLLING IN THE COURSE.
Courtroom Attire

Appropriate courtroom attire is required for all Trial classes and also for formal hearings or conferences in the Pretrial seminars. This is intended to simulate actual courtroom atmosphere and to make the video of your performances as useful as possible.

Professional Responsibility Issues

A thorough understanding of the role of the professional advocate is an essential part of preparation for litigation advocacy. A first step toward developing this understanding is to know the provisions of the Model Rules/Code of Professional Responsibility bearing upon the advocate's responsibility as a representative of the client and as an officer of the court. Students should be able to recognize the meaning of these provisions in those practical contexts for which the Model Rules/Code provides clear answers and to know and understand the different professional opinions regarding issues that are not clearly answered in the Model Rules/Code.

Some of the problem materials in this course are designed to confront student counsel with issues of professional responsibility in circumstances typically found in practice. In addition, issues of professional responsibility, though not planned in advance as part of an exercise, sometimes arise because of the particular way in which the performance develops.

Posting of Information and Notices

To maintain the type of flexibility that allows the Litigation Skills Program to respond to your needs and the needs of the instructors, close communication is necessary with all the students at all times. Throughout the semester, the Litigation Skills Program will be posting information that you will need to prepare for your class assignments, room changes and faculty changes. These postings will occur in two places; via e-mail and on TWEN.

Professionalism and Civility

Students must behave professionally and civil in this class at all times. This includes but is not limited to courtesy to professors, classmates, timeliness, and respect. Cell phones should be turned off during lectures and workshops. Computer use should be restricted to note taking and research.

PLEASE PROVIDE US WITH YOUR CURRENT E-MAIL ADDRESS.

It is imperative that you check your e-mail daily for announcements from the Litigation Skills staff or from your individual instructors.

Thank you
<table>
<thead>
<tr>
<th>Classes End</th>
<th>Classes End</th>
<th>Classes End</th>
<th>Classes End</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FINAL TRIALS - SATURDAY - 4/22/2017</strong></td>
<td><strong>FINAL TRIALS - SATURDAY - 4/22/2017</strong></td>
<td><strong>FINAL TRIALS - SATURDAY - 4/22/2017</strong></td>
<td><strong>FINAL TRIALS - SATURDAY - 4/22/2017</strong></td>
</tr>
<tr>
<td>No Partial Skills Class</td>
<td>No Partial Skills Class</td>
<td>No Trial Instructions</td>
<td>Closing Arguments</td>
</tr>
<tr>
<td>Ethics</td>
<td>Ethics</td>
<td>Closing Arguments</td>
<td>Professionalism &amp; Ethics</td>
</tr>
<tr>
<td>Negotiations/Sequencing</td>
<td>Motion Hearings</td>
<td>Preliminary Conferences</td>
<td>Opening Statements</td>
</tr>
<tr>
<td>Plea</td>
<td>Motion Hearing</td>
<td>Opening Statements</td>
<td>Argumentative Direct &amp; Cross</td>
</tr>
<tr>
<td>Motion: Evicatory</td>
<td>Deposition I</td>
<td>Argumentative Direct &amp; Cross</td>
<td>Opening Statements &amp; Closing</td>
</tr>
<tr>
<td>Motion: Non-Evictory</td>
<td>Deposition I</td>
<td>Argumentative Direct &amp; Cross</td>
<td>Opening Statements &amp; Closing</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>SPRING BREAK - NO CLASS</strong></td>
<td><strong>SPRING BREAK - NO CLASS</strong></td>
<td><strong>SPRING BREAK - NO CLASS</strong></td>
<td><strong>SPRING BREAK - NO CLASS</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>BENCH TRIALS - NO LECTURE, TRIAL OR PRACTICAL CLASS THIS WEEK</strong></td>
<td><strong>BENCH TRIALS - NO LECTURE, TRIAL OR PRACTICAL CLASS THIS WEEK</strong></td>
<td><strong>BENCH TRIALS - NO LECTURE, TRIAL OR PRACTICAL CLASS THIS WEEK</strong></td>
<td><strong>BENCH TRIALS - NO LECTURE, TRIAL OR PRACTICAL CLASS THIS WEEK</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depositions II</td>
<td>Depositions II</td>
<td>Depositions II</td>
<td>Depositions II</td>
</tr>
<tr>
<td>Motion to Compel and</td>
<td>Motion to Compel and</td>
<td>Motion to Compel and</td>
<td>Motion to Compel and</td>
</tr>
<tr>
<td>Motion: Evicatory</td>
<td>Motion: Evicatory</td>
<td>Motion: Evicatory</td>
<td>Motion: Evicatory</td>
</tr>
<tr>
<td>Depositions I</td>
<td>Depositions I</td>
<td>Depositions I</td>
<td>Depositions I</td>
</tr>
<tr>
<td>Discovery Responses</td>
<td>Discovery Responses</td>
<td>Discovery Responses</td>
<td>Discovery Responses</td>
</tr>
<tr>
<td>Argументs/Bond Hearings</td>
<td>Argументs/Bond Hearings</td>
<td>Argументs/Bond Hearings</td>
<td>Argументs/Bond Hearings</td>
</tr>
<tr>
<td>Answers/Responses</td>
<td>Direct &amp; Cross Examination I</td>
<td>Direct &amp; Cross Examination I</td>
<td>Direct &amp; Cross Examination I</td>
</tr>
<tr>
<td>Witness Interviews</td>
<td>Witness Interviews</td>
<td>Witness Interviews</td>
<td>Witness Interviews</td>
</tr>
<tr>
<td>Client Interviewing</td>
<td>Client Interviewing</td>
<td>Client Interviewing</td>
<td>Client Interviewing</td>
</tr>
<tr>
<td>Civil Pretrial</td>
<td>Civil Pretrial</td>
<td>Civil Pretrial</td>
<td>Civil Pretrial</td>
</tr>
<tr>
<td>Civil Skills</td>
<td>Civil Skills</td>
<td>Civil Skills</td>
<td>Civil Skills</td>
</tr>
<tr>
<td>Trial Skills</td>
<td>Trial Skills</td>
<td>Trial Skills</td>
<td>Trial Skills</td>
</tr>
<tr>
<td>Monday 1:30-2:00 (Room 532)</td>
<td>Monday 1:30-2:00 (Room 532)</td>
<td>Monday 1:30-2:00 (Room 532)</td>
<td>Monday 1:30-2:00 (Room 532)</td>
</tr>
<tr>
<td>Lecture/Demo</td>
<td>Lecture/Demo</td>
<td>Lecture/Demo</td>
<td>Lecture/Demo</td>
</tr>
</tbody>
</table>

**WEEK ONE:**

1/20 (Friday) Special Lecture: Introduction, Theory of the Case, Direct & Cross Examination, Interrogating, Trial Preparation

**LECTURE/Demo SESSIONS ARE HELD IN ROOM 532. ALL STUDENTS ARE REQUIRED TO ATTEND**

---

**Schedule of Classes**

**Spring 2017 - Litigation Skills I**
The following reading assignments are to be read prior to each Lecture/Demonstration.

<table>
<thead>
<tr>
<th>Date</th>
<th>Text</th>
<th>Pages</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 20\textsuperscript{th}</td>
<td>Lubet</td>
<td>1-11</td>
<td>Trial Basics</td>
</tr>
<tr>
<td></td>
<td></td>
<td>13-36</td>
<td>Case Analysis and Storytelling</td>
</tr>
<tr>
<td></td>
<td></td>
<td>37-71</td>
<td>Direct Examination</td>
</tr>
<tr>
<td></td>
<td></td>
<td>73-112</td>
<td>Cross Examination</td>
</tr>
<tr>
<td></td>
<td>Mauet</td>
<td>3-18</td>
<td>Planning</td>
</tr>
<tr>
<td></td>
<td></td>
<td>28-37</td>
<td>Client Interviewing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>43-56</td>
<td>Witness Interviewing</td>
</tr>
<tr>
<td>January 23\textsuperscript{rd}</td>
<td>Lubet</td>
<td>113-149</td>
<td>Impeachment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>189-221</td>
<td>Objections</td>
</tr>
<tr>
<td></td>
<td>Mauet</td>
<td>85-116</td>
<td>Case Evaluation and Strategy</td>
</tr>
<tr>
<td>January 30\textsuperscript{th}</td>
<td>Mauet</td>
<td>19-43</td>
<td>Fact Investigation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>57-83</td>
<td>Legal Investigation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>119-186</td>
<td>Pleadings</td>
</tr>
<tr>
<td>February 6\textsuperscript{th}</td>
<td>Lubet</td>
<td>223-284</td>
<td>Foundations and Exhibits</td>
</tr>
<tr>
<td></td>
<td></td>
<td>37-43</td>
<td>Exhibit Acquisition</td>
</tr>
<tr>
<td></td>
<td>Mauet</td>
<td>187-271</td>
<td>Discovery</td>
</tr>
<tr>
<td></td>
<td></td>
<td>311-334</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>383-427</td>
<td>Settlements</td>
</tr>
<tr>
<td>February 13\textsuperscript{th}</td>
<td>Mauet</td>
<td>271-311</td>
<td>Depositions</td>
</tr>
<tr>
<td>Date</td>
<td>Author</td>
<td>Pages</td>
<td>Reading Assignment</td>
</tr>
<tr>
<td>------------</td>
<td>--------</td>
<td>---------</td>
<td>---------------------------------------------------------</td>
</tr>
<tr>
<td>February 20\textsuperscript{th}</td>
<td>Lubet</td>
<td>151-156</td>
<td>Redirect Examination and Rehabilitation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>157-187</td>
<td>Expert Testimony</td>
</tr>
<tr>
<td>March 20\textsuperscript{th}</td>
<td>Lubet</td>
<td>323-362</td>
<td>Opening Statements</td>
</tr>
<tr>
<td></td>
<td></td>
<td>365-418</td>
<td>Final Argument</td>
</tr>
<tr>
<td>March 27\textsuperscript{th}</td>
<td>Lubet</td>
<td>419-438</td>
<td>Jury Selection</td>
</tr>
<tr>
<td></td>
<td>Mauet</td>
<td>383-427</td>
<td>Pretrial Conferences and Settlements</td>
</tr>
</tbody>
</table>
Trial skills workshops begin on Week 2, January 23rd 2017. The following assignments are from the book Problems in Trial Advocacy. In trial class, each student will be assigned a Team either A, B, C or D. Your Team code will be emailed by January 20th. As Team members, you will work together to prepare your assignments, each preparing to play the witness role on direct examination and assisting each other in preparing individual witness examinations. Instructors will call on a Team to perform; it is up to the Team to decide who will perform in each role. Everyone will perform as trial counsel each week.

**Week 2 – January 23rd**  
(Case Analysis)  
The workshop for this week will include a Case Analysis and Demonstration by faculty. All students should be prepared to identify good facts, bad facts, potential evidence issues, case theories, and case themes, in Problem 1, NITA Liquor Commission v. Cut Rate Liquor & Jones.

**Week 3 - January 30th**  
(Direct /Cross Examination I)  
A: Direct in Problem 1A, Cross in Problem 1B (no diagrams)  
B: Direct in Problem 1B, Cross in Problem 1A (no diagrams)  
C: Direct in Problem 3A, Cross in Problem 3B (no diagrams)  
D: Direct in Problem 3B, Cross in Problem 3A (no diagrams)

**Week 4 – February 6th**  
(Direct/Cross Examination II)  
A: Direct in Problem 4B, Cross in Problem 4A  
B: Direct in Problem 4A, Cross in Problem 4B  
C: Direct in Problem 8 (Blanchard), Cross in Problem 8 (Devine)  
D: Direct in Problem 8 (Devine), Cross in Problem 8 (Blanchard)

**Week 5 - February 13th**  
(Impeachment)  
A&C: Cross in Problems 28A & 32B  
B&D: Cross in Problems 28B & 32A  
All students should be prepared to demonstrate a Re-Direct in Problems 28 or 32.

**Week 6 - February 20th**  
(Exhibits)  
The following exercises require more than foundational questions. Prepare to introduce and use exhibits in the following problems:  
A: Problems 1 (diagram) & 14 (photographs)  
B: Problems 19 A, B, C (baseball bat and beer bottle)  
C: Problems 16 (bag & bottle) and Problem 22A (accident report)  
D: Problems 23A (medical record) and Problem 17 (purse)  
Be prepared to demonstrate the opposition of evidence in all problems.
Trial Skills Assignments
SPRING 2017

Week 7 – February 27th
(Expert Witness)
A:  Direct in Problem 40A
B:  Cross in Problem 40A
C:  Direct in Problem 40B
D:  Cross in Problem 40B

Week 8 – March 8th
BENCH TRIALS
Assignments will be posted on TWEN and sent by email
No Lecture, Trial or Pretrial class this week.

Week 9 – March 13th-17th
Spring Break – NO CLASSES

Week 10 – March 20th
(Advance Direct & Cross Examination)
A:  Direct in Problem 11A (Beskind)
B:  Cross in Problem 11A (Beskind)
C:  Direct in Problem 11B (Myers)
D:  Cross in Problem 11B (Myers)
All students should prepare to Cross in Problem 33

Week 11 – March 27th
(Opening Statements)
Prepare a six-minute segment of Opening Statement in your final trial.

Week 12 – April 3rd
(Prettrial Conferences)
PRETRIAL CONFERENCES
Trial classes are cancelled during the week of Pretrial conferences.
Pretrial classes are NOT cancelled during the week of pretrial conferences.

Week 13 – April 10th
(Closing Arguments)
Prepare a six-minute segment of Closing Argument in your final trial.

Week 14-November 14
(Final Trials)
No Classes
FINAL TRIALS (Saturday, April 22nd 2017)
Civil
Pretrial Skills Assignments
SPRING 2017

Pretrial workshops begin Week 2, January 23rd.
Each student will be assigned to be a counsel for Plaintiff (X), or Defense (Y).
Counsel assignments will be posted on TWEN by January 20th.

Assignment:

Week 2 – January 23rd  Client Interviewing
Week 3 – January 30th  Complaints/Witness Interviewing
Week 4 – February 6th  Answers/Responses
Week 5 – February 13th  Discovery Requests
Week 6 – February 20th  Discovery Responses
Week 7 – February 27th  Motions to Compel and Deposition Preparation
Week 8 – March 6th  BENCH TRIALS
Lecture, Trial and Pretrial classes are cancelled during the week of
Bench Trials
Week 9 – March 13th-17th  SPRING BREAK – NO CLASSES
Week 10 – March 20th  Depositions I
Week 11 – March 27th  Depositions II
Week 12 – April 3rd  Motion Hearings
Week 13–April 10th  Ethics

FINAL TRIALS, SATURDAY, April 22nd 2017
Criminal
Pretrial Skills Assignments
SPRING 2017

Pretrial workshops begin Week 2, January 23rd.
Each student will be assigned to be a counsel for Prosecution (X), or Defense (Y).
Counsel assignments will be posted on TWEN by January 20th.

Assignment:

Week 2 – January 23rd       Client Interviewing

Week 3 – January 30th      Witness Interviews

Week 4 – February 6th       The Charging Process: Arraignments/Bond Hearings

Week 5 – February 13th      Rules Review

Week 6 – February 20th      Depositions I

Week 7 – February 27th      Depositions II

Week 8- March 6th      BENCH TRIALS
Lecture, Trial and Pretrial classes are cancelled during the week of Bench Trials

Week 9 – March 13th-17th    SPRING BREAK – NO CLASSES

Week 10 – March 20th       Motions: Non-Evidentiary

Week 11 – March 27th       Motions: Evidentiary

Week 12 – April 3rd       Plea Negotiations/Sentencing

Week 13 – April 10th    Ethics

FINAL TRIALS SATURDAY, April 22nd 2017