

Charleston School of Law
Trial Advocacy
Fall 2021

Syllabus and Course Information

Course Number 690

Instructor: Adjunct Professor Carlton Bourne
(C) 843-276-8884
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Classroom: B 220
Tuesday, Thursday 8:30 – 9:50 AM

Required Course Materials:

Trial Techniques and Trials, Thomas Mauet (10th edition)

Materials in Trial Advocacy – Problems and Cases, Thomas Mauet, Warren Wolfson (6th or 7th edition)

Federal Rules of Evidence and South Carolina Rules of Evidence (any format)

Course Overview and Expectations/Objectives

Welcome to Trial Advocacy. This course will help prepare you for entering the trial practice arena. The course will consist of lectures, visits from guest speakers and your **active** participation in practical exercises. You will become familiar with case preparation, from investigating and analyzing your case, through trial preparations and trial. Students will sharpen their advocacy skills through practical exercises, which will include preparing witnesses, giving opening statements and closing arguments, conducting direct and cross examinations of witnesses, handling and introducing exhibits, learning how to lodge appropriate objections, as well as learning to exercise proper courtroom etiquette. You will learn how to become an effective trial lawyer by listening, learning, and putting into practice what you have learned. The course will only be effective if you **actively** prepare and participate. You will try your case and watch your peers try

theirs. Students will also serve as witnesses and evaluators. This requires students to be thoroughly familiar with the case scenarios. It will be unfair to your classmates if you have not properly prepared.

Attendance

The attendance policy at the Charleston School of Law specifies that no student may miss more than 15 percent of the class meetings of any course. Attendance is mandatory. A student who is tardy or leaves early may, at the discretion of the professor, be marked as absent. Being absent from class for 10 minutes or more will be considered tardy or leaving early. No absence is considered “excusable” for purposes of computing the attendance requirement. Students can miss no more than four (4) classes throughout the semester.

<https://charlestonlaw.edu/academics/academic-policies/attendance-policy>

Work per credit hour

Under Charleston School of Law policy, the amount of work for each credit hour of a course must be: At least 750 minutes of in-class time (12 ½ hours), which may include 50 minutes of final examination time; and, at least 1800 minutes (30 hours) of out-of-class student work. This is a three (3) credit hour course, which means that in addition to attending classes, students should plan to spend at least six (6) hours each week in the Fall semester preparing for class.

ADA notice

Students with disabilities should contact the Associate Dean for Academic Affairs as soon as possible to request reasonable accommodations should those accommodations be desired.

Basis for Final Grades

This is a pass/fail graded course based on class participation, successful completion of assignments, and a final mock trial.

The method is as follows:

Active Class Participation and Performance	70%
Final Mock Trial	30%

Students will participate in **at least** three (3) class exercises (opening, closing, direct examination, cross examination, witness preparation, handling exhibits), in addition to the mock trial in the last weeks of the course. The syllabus includes more than three exercises, but you will be required to participate in at least three. For each exercise, the student will receive individualized feedback through comments, and where appropriate, through individualized instruction and practice. Each student will be given the opportunity to incorporate the feed-back and be re-assessed on the specific skill. There is no final exam.

Office hours

I will be available before and after each class and by appointment. Feel free to email me, or call or text me at 843-276-8884 to arrange a meeting anytime.

CLASS SCHEDULE*

Class 1: Lecture	Introduction and Course Overview
Class 2: Lecture and Discussion	What Makes for a Good Advocate?
Class 3: Lecture and Guest Speaker	Investigation and Case Assessment
Class 4: Lecture	Opening Statement
Classes 7 and 8: Class exercise	Opening Statements
Class 9: Lecture	Direct Examination
Classes 10 and 11: Class exercise	Direct Examination
Class 12: Lecture	Handling Exhibits
Class 13: Class exercise	Handling Exhibits

Class 14: Lecture	Cross Examination
Classes 15 and 16: Class exercise	Cross Examination
Class 17: Lecture and Guest Speaker	Closing Argument
Classes 18 and 19: Class exercise	Closing Arguments
Class 20: Lecture and Guest Speaker:	A Judge's Perspective
Remaining Classes:	Mock Trial Preparation and Trial

*** This is only a GUIDE and may be revised as the semester progresses.**

Skills Course

This is a Trial Skills course. Pursuant to internal policy adopted by the faculty in AY 2016-2017, a course cannot be designated a **skills course** unless the course meets all of the following criteria:

1. The course's instructional minutes must be primarily devoted to the formation or enhancement of legal skills. For purposes of this rule, "primarily" shall mean "no less than fifty-one (51) percent". When reviewing to determine compliance with this criterion, the Curriculum Committee shall, at a minimum, review the entirety of a course's syllabus or proposed syllabus. In all cases, compliance with this criterion must be obvious, and any doubts shall be construed against a designation of "satisfies the skills requirement".
2. A student's course grade must be primarily based upon the professor's assessment of the students' ability to perform legal skills. For purposes of this rule, "primarily" shall mean "no less than fifty-one (51) percent". To comply with this rule, a course's syllabus or proposed syllabus must explicitly state the mechanism by which a student's final grade is achieved and must explicitly demonstrate that no less than fifty-one (51) percent of

the total points available for achieving that final grade are devoted to assessment of the student's ability to perform legal skills.

3. The professor shall provide each student no fewer than three (3) opportunities to complete an exercise involving one or more of the legal skills discussed in Criterion 5. For each opportunity, the professor must: a) provide the student individualized feedback; and b) provide the student an opportunity to incorporate the feedback and be re-assessed on the specific skill or skills. Compliance with this rule must be clearly articulated in the syllabus or proposed syllabus.

4. The professor must explicitly articulate the manner and/or mechanism by which students have opportunities for self-evaluation. This criterion need not be articulated in the syllabus or proposed syllabus but must be provided in the proposal.

5. For purposes of this rule, the word "skills" shall refer to exercises involving one or more of the following: "interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation."¹

6. This rule shall not apply to clinics, externships, or field placements.