



TEXAS SOUTHERN UNIVERSITY
THURGOOD MARSHALL SCHOOL *of* LAW

ADVANCED TRIAL PRACTICE

LAW 927

SECTION 2

FALL 2021

ROOM 210

THURSDAYS

5:30 P.M. – 8:00 P.M.

PROFESSOR TIM ADAMS



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TEXAS SOUTHERN UNIVERSITY
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THE PROFESSOR

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TEXAS SOUTHERN UNIVERSITY
THURGOOD MARSHALL SCHOOL *of* LAW

LOCATION OF OFFICE: Room 235

OFFICE HOURS: Tuesday 5 p.m. – 8 p.m., Thursday 8 p.m. – 9 p.m., or by appointment

Biography:

Hailing from Jackson, Mississippi, Attorney Tim Adams earned an Associate of Arts degree from Mississippi Gulf Coast Community College, a Bachelor of Arts degree from University of Southern Mississippi, and a Juris Doctorate degree from Texas Southern University – Thurgood Marshall School of Law (“TMSL”).

Prior to his career in the legal profession, Attorney Adams served as a police officer for seven years. After successfully passing the Texas Bar Examination, Attorney Adams began working as an Assistant District Attorney at the Harris County District Attorney’s Office, where he is a felony prosecutor assigned to the Civil Rights Division. Attorney Adams also serves the Director of Mock Trial at TMSL.



Title IX Sexual Misconduct and Nondiscrimination Policy

Texas Southern University/ Thurgood Marshall School of Law represents that its Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. This policy applies to all students, staff, and faculty.

Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents.

Policies and procedures related to Title IX policy can be found at this link:

<http://www.tsu.edu/about/administration/title-ix/index.html>

TSU's Position Statement

Texas Southern University (TSU) is a strong proponent of Title IX enforcement and in ensuring that sex discrimination and sexual violence is addressed. Title IX is a Federal law that prohibits sex discrimination under any education program or activity receiving Federal financial assistance. In accordance with Title IX, TSU policies prohibit sex discrimination and sexual misconduct (which includes sexual harassment, sexual assaults, dating violence, domestic violence, sexual exploitation and stalking). Please review the University Title IX Grievance Procedure (MAPP 02.05.09) and familiarize yourself with its content.

Our Commitment to You

Texas Southern University will promptly address all complaints of sex-based discrimination, harassment, stalking, dating/domestic violence, and related retaliation made by or against faculty, staff, students, guests and vendors in accordance with our policies and applicable federal and state laws.

What is Title IX?

Title IX of the Education Amendment of 1972 prohibits discrimination on the basis of sex in educational programs and activities at federally funded institutions. Title IX protects students, faculty, staff, and visitors to our campus from all forms of sex discrimination. Sexual harassment, including sexual violence, is a form of sex discrimination and is prohibited under Title IX.

Unwelcome sexual advances, requests for sexual favors, and other verbal, and nonverbal or physical conduct of a sexual nature constitute sexual harassment when this conduct is so severe, persistent or pervasive that it affects an individual's employment, unreasonably interferes with an individual's work or educational performance, or creates an intimidating or hostile work or educational environment.

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. Title IX states that: *No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*



COURSE BOOKS & MATERIALS

1. Federal Rules of Evidence with Objections **(REQUIRED)**
Bocchino, Sonenshein, & Schaffzin
National Institute for Trial Advocacy (NITA)
ISBN: 9781601569226
EBook ISBN: 9781601569233
2. Trial Advocacy Basics, Second Edition **(RECOMMENDED)**
Gildin, O'Brien, & Gitchel
National Institute for Trial Advocacy (NITA)
ISBN: 9781601565631
EBook ISBN: 9781601565648



COURSE DESCRIPTION & OBJECTIVE

Description

The American Bar Association Standards and Rules of Procedure for Approval of Law Schools, 2017-2018, 301 (a) states that a law school shall maintain a rigorous program of legal education that prepares its students, upon graduation, for:

- 1) admission to the bar; and
- 2) effective, ethical, and responsible participation as members of the legal profession.

This course is designed to ensure the students' mastery of core competencies of effective communication as identified by the TMSL faculty; and the mastery of skills identified by the American Bar Association Standards and Rules of Procedure for Approval of Law Schools, 2017-2018, 302.

Objective

The objective of this course is to continue the transformation of the law student to the "whole lawyer", by introducing and allowing for multiple opportunities to practice skills and competencies expected of new lawyers.

The formula for this course is effective knowledge of substantive law + effective application of that law through practical techniques = the "whole lawyer" – a lawyer who is competent, professional, of high integrity, and "practice-ready".

To best facilitate this simulation course, each student will perform as trial counsel in a variety of simulated courtroom exercises. Every student will be introduced to and given the opportunity to practice and develop at minimum, the following skills: opening statements, direct examination, cross-examination, objections, introduction of exhibits, and closing arguments.



Teaching Method

A. Simulated Courtroom:

This course is taught in the simulated courtroom method. Students are expected to perform as trial counsel in one or more advocacy problems. The witnesses will be played by other students.

Each student will be assigned a designated role for purposes of the assignments. Unless you are instructed otherwise, please prepare each assignment according to your role designation.

B. Critique

At various times during each student performance the course instructor may offer a critique. The purpose of critique is to help the student evaluate the strengths and weaknesses of their performance with an eye toward future improvement. The goal in the critique is not to criticize the student, either as an advocate or a person, but rather to alert the student to any shortcomings and to offer a prescription for making adjustments that will translate in and beyond the courtroom.

C. Lectures and Demonstrations

Although it is necessary to practice trial skills and effective communication skills in order to learn and assimilate them, the theory and analysis of trial advocacy are often best conveyed through lecture and demonstration. This is one of the many reasons that the choice of text book was made. It is the student's responsibility to read the assigned lessons, **IN ADVANCE** of class and to watch any assigned videos, **IN ADVANCE** for the assigned lessons.



LEARNING OUTCOMES AND SCHEDULE

Grand Jury Proceedings and Depositions (Weeks 1 & 2)

Students will learn:

1. The role grand jury proceedings play in the criminal justice system.
2. How grand jury proceedings are conducted.
3. The role of depositions in civil litigation.
4. How depositions proceedings are conducted.

Trial Preparation (Week 3)

Students will learn:

1. How to construct a trial file/notebook.
2. How to prepare lay and expert witnesses for testimony at trial.
3. How to prepare exhibits for trial.

Voir Dire (Weeks 4 & 5)

Students will learn:

1. The procedural rules of voir dire.
2. How to construct a PowerPoint presentation.
3. How to identify “problem” jurors.
4. Batson challenges.

Opening Statements & Closing Arguments (Week 6)

Students will learn:

1. How to construct and maximize Opening Statements.
2. How to construct and maximize Closing Arguments.

Direct and Cross Examinations (Week 7)

Students will learn:

1. How to construct and maximize Direct Examinations.
2. How to use exhibits and demonstrative evidence.
3. How to construct and maximize Cross Examinations.



Expert Witnesses (Week 8)

Students will learn:

1. The freedoms and limitations surrounding opinion testimony.
2. To identify the requisites of expert opinion testimony.
3. How to challenge an expert witness' testimony.

Objections and the Rules of Evidence (Weeks 9 & 10)

Students will learn:

1. When to make an objection.
2. How to respond to an objection.
3. How to preserve error.
4. How to construct a Motion in Limine.

Final Examination (Week 11)

Course Review (Week 12)



GRADING

The final grade for the course will be determined as follows:

1. Quizzes, assignments, & participation.....20%
2. Presentations (opening, closing, direct, cross, voir dire)...50%
3. Final examination.....30%

100 points – 95 points = A

94 points – 90 points = A-

89 points – 85 points = B+

84 points – 80 points = B

79 points – 75 points = B-

74 points – 70 points = C+

69 points – 65 points = C

64 points – 60 points = C-

59 points – 55 points = D+

54 points – 50 points = D

49 points – 45 points = D-

44 points – 0 points = F



PARTICIPATION, ATTENDANCE & PROFESSIONALISM

1. Generally	
a. Special Accommodations	All requests for any special accommodations must be first submitted to the Dean of Student Affairs.
b. Final Examination	The final exam will consist of a (virtual) trial presentation at the end of the semester.
2. Dress	Casual attire is allowed, so long as clothing is within the guidelines set forth within the TMSL Student Rules and Regulations. For class settings on presentation days, business attire is required.
3. Class Attendance	
a. Attendance Taken	Daily.
b. Tardiness	Unless advance notice to the professor is provided, being 10 minutes late, according to the timepiece of the professor, will result in an “Absence” for that day.
c. Allowable Number of Absences	Refer to applicable section of the TMSL Student Rules and Regulations.



4. Classroom Etiquette	
a. Cell Phones	Cell phones are not permitted to be used or seen, unless specifically asked to do so by the Professor.
b. Professional Decorum	The classroom and the courtrooms are sacred in that they are the places where positive change is defined; discussed; effectuated; and shared with the others. Please act in a manner that brings dignity to you; your family and the legal profession.
c. Yielding the Floor	As in the courtroom, if a colleague, professor or speaker is engaged in presentation or inquiry, please yield the “floor” until you can intervene without disruption. As in a courtroom, only one person can be heard at a time.
d. Dismissal	Please do not prepare to leave class until class is dismissed; unless you have told me in advance that you need prior to the dismissal of class.
5. Class Preparation	
a. Student Responsibility	To be prepared to participate in each class session.



ASSUMPTIONS

Necessary Assumptions:

1. Students will act as licensed attorneys.
2. The hypothetical situations (case files) are being treated as real.
3. The cases have been reviewed and accepted by the firm/government agency.
4. All necessary conflict checks have been run including but not limited to: potential parties against current and old clients; and case conflicts against firm policies.
5. Retainer agreements have been negotiated and executed.
6. Any necessary waivers have been executed and delivered.
7. Initial client interviews have been conducted.
8. Witness interviews have been conducted.
9. Client and witness preparation has been conducted.
10. The statutes as provided in the files will be followed to the extent they are articulated. If no such rule or statute is articulated, evidence rules will be based on the Federal Rules of Evidence.



THURGOOD MARSHALL SCHOOL OF LAW

TEXAS SOUTHERN UNIVERSITY
 ACADEMIC CALENDAR 2021 – 2022

FALL SEMESTER 2021

FALL SEMESTER 2021 (SEVENTY DAYS OF CLASSES)

Orientation	Monday-Friday	August 9-13, 2021
First Day of Class	Monday	August 16, 2021
Last Day to ADD/DROP	Wednesday	August 18, 2021
Labor Day (NO CLASSES)	Monday	September 6, 2021
<i>Purge of all unpaid course selections</i>	Wednesday	September 15, 2021
Mid Term Examinations	Mon – Fri	October 11-15, 2021
Last Day to Drop a Class	Friday	November 5, 2021
Last Day of Classes	Tuesday	November 23, 2021
First Year Professors' Grades due	Tuesday	November 23, 2021
Reading Period	Wed	November 24, 2021
Thanksgiving Holiday	Thurs – Fri	November 25-26, 2021
Reading Period	Sat- Sun	November 27-28, 2021
Final Examinations	Monday - Friday	November 29-Dec. 10, 2021
Commencement Exercises	Saturday	December 11, 2021

Please note that the calendar events and /or dates are subject to change.