

STATE UNIVERSITY OF NEW YORK
COLLEGE OF TECHNOLOGY
CANTON, NEW YORK

COURSE OUTLINE

LEST 450 - TRIAL COURT AND RULES OF EVIDENCE

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SCHOOL OF BUSINESS AND LIBERAL ARTS
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A. TITLE: TRIAL COURT AND RULES OF EVIDENCE

B. COURSE NUMBER: LEST 450

C. CREDIT HOURS: 3

D. WRITING INTENSIVE COURSE: No

E. COURSE LENGTH: 15 Weeks

F. SEMESTER(S) OFFERED: Spring

G. HOURS OF LECTURE, LABORATORY, RECITATION, TUTORIAL, and ACTIVITY: 3 lecture hours per week.

H. CATALOG DESCRIPTION: This course provides students with a basic understanding of the legal mechanisms through which society resolves its disputes. Students will learn the details of trial and appellate process and procedures. Students will be provided the necessary tools to develop confidence, ability and control when presenting courtroom testimony.

I. PRE-REQUISITES/CO-COURSES: LEST 101 or JUST 101 and at least Junior level status or permission of instructor.

J. STUDENT LEARNING OUTCOMES: At the conclusion of this course, students will be able to:

Course Objective	Institutional SLO
1. Understand and explain the concept of hearsay and define the types of hearsay that are admissible as evidence in a court of law.	1. Communication Skills 2. Critical Thinking
2. Understand and explain the concept of relevance.	1. Communication Skills 2. Critical Thinking
3. Understand and explain the concept of foundation for admissibility of testimony and physical evidence.	1. Communication Skills 2. Critical Thinking
4. Understand, explain and apply appropriate procedures for admitting physical items into evidence.	1. Communication Skills 2. Critical Thinking
5. Present intelligent and organized opening and closing statements at mock trial	1. Communication Skills 2. Critical Thinking 3. Professional Competence
6. Properly conduct direct and cross examination of witnesses at mock trial.	1. Communication Skills 2. Critical Thinking 3. Professional Competence

K. TEXTS:

1. Lubet, Steven, (2001) Mock Trials, National Institute for Trial advocacy
2. Ezon, Jack S. E-Z Rules for the Federal Rules of Evidence, Aspen Publishing, 2007.

L. REFERENCES:

1. Fontham, Michael R. and Vitiello, Michael. Persuasive Written and Oral Advocacy in Trial and Appellate Courts. New York: Aspen, 2013.
2. Graham, Michael H. Federal Rules of Evidence in a Nutshell. Eagan: West, 2011.
3. Johnson, Brian K. & Hunter, Marsha. The Articulate Advocate: New Techniques of Persuasion for Trial Lawyers. Crown King Books, 2009.
4. Lewis, Don. The Police Officer in the Courtroom: How to Avoid the Pitfalls of Cross-Examination Through the Proper Preparation and Presentation of Investigative Reports, In-Court Testimony, and Evidence. Charles C. Thomas Pub. Ltd. 2001.
5. Vile, John R. Pleasing the Court: A Mock Trial Handbook. Cengage Learning, 2012.

M. EQUIPMENT: Technology enhanced classroom.

N. GRADING METHOD: A-F

O. MEASUREMENT CRITERIA:

- Written examinations
- Presentations
- In class activities

P. DETAILED COURSE OUTLINE

I. The Trial: How Do You Get There?

- A. Examine how disputes are resolved.
- B. Explore pros and cons of negotiation, mediation, and arbitration.
- C. Explain the concepts of the trial process.
- D. Practice communication skills.

II. Steps in a Trial: What Are They?

- A. List the basic sequence of events in a trial.
- B. Explain the roles of the attorneys, the judge, and the jury in the trial process.
- C. Identify the types of cases, and corresponding burden of proof.
- D. Identify the parties to the case.

- E. Practice public speaking.
- III. The Jury: How Do You Select One?
- A. Examine the roles of juries.
 - B. Discuss the voir dire process.
 - C. Conduct a voir dire simulation for the mock trial.
- IV. The Case – What is it about?
- A. Preview the selected mock trial.
 - B. Describe what each party to the case wants?
 - C. Analyze which facts favor each side.
 - D. Practice playing the witness.
 - E. Place the stipulated facts on a time line.
- V. Theory of the Case and Opening Statements
- A. Develop the theory of the case.
 - B. Describe the main argument in favor of each side of the case.
 - C. Identify the facts that support or weaken the argument.
 - C. Summarize the evidence that will be presented for each side of the case.
 - D. Write an opening statement for one side of the case.
- VI. Opening Statements, Witness Examinations, and Closing Arguments
- A. As witness, recall from memory the important points made in the witness affidavit, and respond correctly to possible direct and cross-examination.
 - B. As examiner attorneys, write a sequence of direct or cross-examination questions.
 - C. As attorney assigned to opening statements and closing arguments, revise their opening statements and outline a solid closing argument for their respective sides.
 - D. Explain the concept of impeachment.
- VII. Rules of Evidence and Procedure
- A. Explain the purpose of the rules of evidence
 - B. Recognize leading questions, hearsay, irrelevant testimony, and opinions.
 - C. Identify objectionable questions and proper objections based upon the rules of evidence.
 - D. Identify how to respond to an objection.
 - E. Lay a proper foundation and correctly introduce a piece of evidence.
 - F. Explain the concept of impeachment.
- VIII. The Mock Trial
- A. Conduct a mock trial, correctly following the sequence of steps in a trial and good techniques for each role.
 - B. Make complex prepared oral presentations as attorneys and witnesses.
 - C. Demonstrate skill in listening, rapid critical analysis, and extemporaneous speech skills.
 - D. Demonstrate knowledge of the rules of evidence and procedure.
 - E. Demonstrate knowledge of the law applicable to the case.

IX. The Court System: How Do You Appeal?

- A. Explain the appeals process.
- B. Describe the role of the U.S. Supreme Court.
- C. Identify the process for appealing cases before the Supreme Court.
- C. Discuss factors the U.S. Supreme Court uses to grant certiorari.
- D. Practice presentation skills.

X. A Mini-Case Study: You Be the Justice

- A. Review the facts of the case.
- B. Identify the issue.
- C. Develop arguments for both sides.
- D. Reach a decision using independent analysis, critical thinking, and decision making skills
- E. Present the case to the class.

XI. Anatomy of a Case Study: Putting the pieces together

- A. Review the case facts.
- B. Frame the issue.
- C. Discuss the arguments for each side.
- D. Discuss the decision.
- E. Hone independent analysis, critical thinking and decision making skills.

XII. Moot Court

- A. Role-play a lawyer, judge, or other person involved in court.
- B. Analyze the facts, issues, arguments, and decision of a case.
- C. Hone independent analysis, critical thinking and decision making skills.

Q. LABORATORY OUTLINE: N/A