

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



MASTER SYLLABUS

TRIAL COURT AND RULES OF EVIDENCE

LEST 450

Last Updated by: Jondavid DeLong

**SCHOOL OF BUSINESS AND LIBERAL ARTS
BUSINESS
SPRING 2019**

A. **TITLE: TRIAL COURT AND RULES OF EVIDENCE**

B. **COURSE NUMBER: LEST 450**

C. **CREDIT HOURS: 3**

D. **WRITING INTENSIVE COURSE: NO**

E. **GER CATEGORY: NONE**

F. **SEMESTER(S) OFFERED: SPRING**

G. **COURSE 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.

H. **PRE-REQUISITES/CO-REQUISITES:**

- a. Pre-requisite(s): LEST 101 or JUST 101 and at least Junior level status, or permission of instructor.
- b. Co-requisite(s): NONE

I. **STUDENT LEARNING OUTCOMES:**

<u>Course Student Learning Outcome [SLO]</u>	<u>PSLO</u>	<u>GER</u>	<u>ISLO</u>
1. Understand and explain the concept of hearsay and define the types of hearsay that are admissible as evidence in a court of law.	Demonstrate ability to effectively and professionally communicate in writing. Demonstrate ability to effectively and professionally communicate orally. Understand and explain the structure and functions of the American legal system, including the interplay of constitutions, statutes, common law and administrative law. Understand and explain the roles of		Industry, Professional, Discipline Specific Knowledge and Skills Communication Skills Oral [O], Written [W]

	<p>judges, attorneys, mediators, legal assistants, and others who act within the legal system.</p> <p>Understand and articulate the role of common law in the American legal system, including concepts of mandatory (stare decisis) and persuasive authority.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence 		
<p>2. Understand and explain the concept of relevance.</p>	<p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Understand and explain the roles of</p>		<p>Industry, Professional, Discipline Specific Knowledge and Skills</p> <p>Communication Skills Oral [O], Written [W]</p>

	<p>judges, attorneys, mediators, legal assistants, and others who act within the legal system.</p> <p>Identify the ethical implications inherent in a particular situation, and evaluate the particular course of action to be taken in the face of countervailing pressures.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence 		
<p>3. Understand and explain the concept of foundation for admissibility of testimony and physical evidence.</p>	<p>Demonstrate ability to effectively and professionally communicate in writing.</p> <p>Demonstrate ability to effectively and</p>		<p>Industry, Professional, Discipline Specific Knowledge and Skills.</p>

	<p>professionally communicate orally.</p> <p>Understand and explain the roles of judges, attorneys, mediators, legal assistants, and others who act within the legal system.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence 		<p>Communication Skills Oral [O], Written [W]</p>
<p>4. Understand, explain and apply appropriate procedures for admitting physical items into evidence.</p>	<p>Understand and explain the structure and functions of the American legal system, including the interplay of constitutions, statutes, common law and administrative law.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil</p>		<p>Industry, Professional, Discipline Specific Knowledge and Skills</p> <p>Communication Skills Oral [O]</p>

	<p>Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence <p>Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.</p>		<p>Critical Thinking <i>Critical Analysis</i> [CA]</p>
<p>5. Present intelligent and organized opening and closing statements at mock trial</p>	<p>Demonstrate ability to effectively and professionally communicate orally.</p> <p>Understand and explain the roles of judges, attorneys, mediators, legal assistants, and others who act within the legal system.</p> <p>Identify the ethical implications inherent in a particular situation, and</p>		<p>Industry, Professional, Discipline Specific Knowledge and Skills</p> <p>Communication Skills Oral [O], Written [W]</p> <p>Critical Thinking <i>Critical Analysis</i> [CA]</p>

	<p>evaluate the particular course of action to be taken in the face of countervailing pressures.</p> <p>Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:</p> <ul style="list-style-type: none"> • Negligence and Intentional Torts • Family Law • Real Property • Immigration Law and Border Control • Wills, Estates and Trusts • Environmental Law • American Indian Law and Fed. Policy • Trial Courts and Rules of Evidence <p>Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to) business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.</p>		
<p>6. Properly conduct direct and cross examination of witnesses at mock trial.</p>	<p>Demonstrate ability to effectively and professionally communicate orally.</p>		<p>Industry, Professional, Discipline Specific Knowledge and Skills</p>

Understand and explain the roles of judges, attorneys, mediators, legal assistants, and others who act within the legal system.

Identify the ethical implications inherent in a particular situation, and evaluate the particular course of action to be taken in the face of countervailing pressures.

Demonstrate knowledge of Constitutional Law, Criminal Law and Procedure, Civil Litigation, and at least three of:

- Negligence and Intentional Torts
- Family Law
- Real Property
- Immigration Law and Border Control
- Wills, Estates and Trusts
- Environmental Law
- American Indian Law and Fed. Policy
- Trial Courts and Rules of Evidence

Integrate substantive and procedural elements of laws, regulations, and rules relating to specialized areas of law such as (but not limited to)

Communication Skills

Oral [O], Written [W]

Critical Thinking

Critical Analysis
[CA]

	business activities, contracts, criminal law, family relationships, immigration, real estate, the environment and wills and estates.		
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KEY	<u>Institutional Student Learning Outcomes [ISLO 1 – 5]</u>
ISLO #	ISLO & Subsets
1	Communication Skills Oral [O], Written [W]
2	Critical Thinking <i>Critical Analysis [CA], Inquiry & Analysis [IA], Problem Solving [PS]</i>
3	Foundational Skills <i>Information Management [IM], Quantitative Lit./Reasoning [QTR]</i>
4	Social Responsibility <i>Ethical Reasoning [ER], Global Learning [GL], Intercultural Knowledge [IK], Teamwork [T]</i>
5	Industry, Professional, Discipline Specific Knowledge and Skills

J. **APPLIED LEARNING COMPONENT:** Yes ___X___ No _____

K. **TEXTS:** Lubet, Steven, (2001) Mock Trials, National Institute for Trial advocacy

Ezon, Jack S. E-Z Rules for the Federal Rules of Evidence, Aspen Publishing, 2007

L. **REFERENCES:** Articles of current interest and other resources placed on the course online learning site.

M. **EQUIPMENT:** Technology Enhanced Classroom.

N. **GRADING METHOD:** A-F

O. **SUGGESTED MEASUREMENT CRITERIA/METHODS:** Participation, in-class exams, final exam, and assignments.

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**