1. **Course Meeting Times:**

   This class is conducted via distance learning. Other than the final trials, there are no times when the entire class must be available at the same time.

   Instruction consists of podcasts prepared by the instructor and assigned video recordings that provide examples of the advocacy skills we will be learning throughout the semester. Individual feedback on advocacy performances occurs via the Acclaim software and also email.

   Prior to the course start date, students identified partners and made the commitment to be available for their partners to record advocacy performances throughout the term. Students will use Google Hangouts On Air, Youtube, and Acclaim for their advocacy performances.

2. **Course Objectives:**

   The purpose of this course is to build the foundational skills needed to try a case in a courtroom setting. The basic skills needed by every trial lawyer include case analysis and planning, direct and cross examination, proper use of exhibits, and effective opening statements and closing arguments. The trial advocacy course focuses exclusively on those skills. The course objectives are three-fold: (1) to achieve mastery of basic trial skills; (2) to try a case in an actual courtroom setting; and (3) to work hard and have fun along the way.

   In order to accomplish these goals, the course follows a standard weekly rhythm:

3. **Weekly Rhythm:**

   Every Monday, I will post an instructional podcast, the purpose of which is to prepare you for the graded advocacy exercises you’ll be doing later in the week. Prior to viewing the podcast, I expect you to do three things: (1) read the assigned material and watch the assigned videos for the week; (2) complete any other out-of-class assignments; and (3) prepare the assigned advocacy exercise. Your written materials for the week’s advocacy assignment (direct examination, cross examination, opening statement, closing argument, etc.) are due via email by midnight on Monday.

   **No later than Wednesday at midnight,** you (and your partner for partner exercises) must record and post on the Acclaim website your assigned performances for the week. You will receive a significant point deduction from your assignments if they are posted late.

   **No later than Friday at midnight,** you must provide Acclaim comments on your own performance and the performances of other students in the class (as per the assignment memorandum for the week). You will receive a significant point deduction from your own
assignment grade if you do not post meaningful review comments on your own performances and those of your assigned peers.

4. **A Few Key Concepts and Rules:**

I expect a high level of preparation, professionalism and performance from all students in this class. Distance learning courses are new to our law school, and this is the first skills course to be offered via distance learning at the law school. To my knowledge, it is the only online basic trial advocacy course being offered anywhere in the country. I am confident the course will be successful, but it will require commitment and diligence by everyone in the class.

a. **Timeliness.** Please ensure that you comply with the timelines in the Weekly Rhythm section above. This will ensure that you are prepared and are getting the most out of the class. Also, in order for others to fulfill their video review assignments, you must have your own performances complete and posted in a timely manner.

b. **Partners.** All of you have a partner for the course. Most of the recorded assignments require you to work with your partner. Please be respectful of your partner’s time and schedule. Communicate, and remember that communication requires active effort on the part of both individuals. Do not expect your partner to suddenly drop everything when you haven’t responded to emails, text messages, or other forms of communication available in an advanced society.

5. **Course Materials:**


b. **Case Files.** We will use two case files in the course. The first, *Fitzgerald v. Yuerba Buena Homes*, is posted on the TWEN page and will be used for most exercises throughout the term. We will use a different case file for the final trial. It will be posted towards the end of the term. Both case files are provided to you free of charge.

c. **Advocacy Resource Center.** Some of the assigned materials for our course come from the Stetson University College of Law Advocacy Resource Center (ARC), [http://www.law.stetson.edu/advocacy-resource-center/](http://www.law.stetson.edu/advocacy-resource-center/). When you navigate to the website, click the registration form link and follow the directions. You have free access to this site as a student in my class. I will also post podcasts of my own to the course TWEN page.

d. **Technology Support.** As previously discussed, every student in the course needs high-speed internet access, a computer with a webcam, and a working knowledge of Google Hangouts On Air, Youtube, and Acclaim.
e. **Signing on to Acclaim.** Here are the instructions for establishing your Acclaim account:

1) Go to the student sign up page: https://getacclaim.com/signup
2) Enter access code (Caps matter!): SIUBehan1415
3) Fill out your account information
   - Make sure to use the same email address your professor uses to communicate with you
   - For account name, enter your name and course name/year (e.g JohnSmith_Class101_Fall14)
4) Fill out your payment information and confirm.
5) Please take a minute to go through the tutorial page and if you have any questions, never hesitate to reach out to help@getacclaim.com with questions/comments.

6. **Grading and Workload:**

   a. **Grading Philosophy.** This course is graded. Law school rules allow sections with 12 or fewer students to use a median between 3.1 and 3.4. Unless your collective performance is abysmal, I intend to use a median of 3.4. Some of you may be worried that advocacy is all about style and therefore cannot be graded. To the contrary, there are objective evaluation criteria that can be applied to every skill we will learn this term. Every graded exercise, including the final trial, has a list of evaluation criteria included in the assignment memorandum; these are the criteria I will use in grading this course.

   b. **How Your Grade is Determined.** There are several components to your grade.

      1. **Written case analysis** (20%). This is due at the beginning of Week 3, turned in using an anonymous number you will obtain from my secretary, Carol Manis, and graded anonymously. A Word template for this will be provided on TWEN.

      2. **Advocacy exercises** (30%). There are six advocacy exercises, all of which are graded. The syllabus clearly indicates which exercises are graded. Each advocacy exercise has an explanatory memorandum with evaluation criteria and specific assignments. Your performances are graded on a 10-point scale. If you are asked to serve as a witness in an exercise, you will also be graded on your performance as a witness. You are also graded on your ability to make and respond to objections. If you skip class on the day of a graded advocacy exercise, you will receive a zero (0) for that exercise and will not be permitted to make it up. These are the overall grading criteria that will be used for each exercise:

         a. **Exemplary (12.5 points).** Prepared and gives an exceptional performance—considerably and objectively much better than the typical student performance for this section—that demonstrates complete mastery
of the evaluation criteria and is on par with the performance of an experienced and talented attorney. No more than two students per section, per lab session, may receive an Exemplary.

b. **Superior (10 points)**. Prepared and gives a very good performance that is noticeably and objectively better than the typical student performance for this section. No more than two students per section, per lab session, may receive a Superior.

c. **Meets Standards (7.5 points)**. Prepared and gives a performance that meets most of the evaluation criteria and is typical of the students for this section. At least four students per section, per lab session, must receive a Meets Standard evaluation, unless no student’s performance rises to that level.

d. **Below Standards (5 points)**. Prepared and gives a below average performance (for students of this section) that meets some, but not all, of the evaluation criteria.

3. **Final Trial (50%)**. In the final trial, you will be expected to give either an opening or closing statement, to conduct the direct examination of at least one witness, and to conduct the cross examination of at least one witness. You will be graded on your performance for each of these skills. In addition, you will be expected to serve as a witness in another group’s trial.

4. **Final Trial Self-Assessment**. After your final trial, you will be expected to turn in a self-assessment of the trial, using a template provided on TWEN.

5. **All Assignments Must Be Complete to Pass Course**. Although there are weights assigned to each component of the class, you cannot pass unless you complete them all. For example, if you decide not to turn in your case analysis or participate in the final trial, yet complete all other requirements, you will fail the class.

6. **Grade Adjustments**. I reserve the right to adjust your final grade either up or down by as much as .3 on the 0.0-4.0 scale. Positive adjustments may be made for effort, consistent preparation, and demonstrated improvement; negative adjustments may be made for lack of professionalism, consistent failure to prepare, failure to put forth adequate effort.

d. **Workload**. Please understand from the beginning that this class carries a heavy workload. I make no apologies for the demands I will place on your time during the term (and when you practice, neither will your supervisors, judges, clients or opponents).
7. Attendance:

In lieu of personal attendance, you must submit an email certificate each week that you have: (1) read the assigned materials and watched the assigned videos; (2) recorded and posted the assigned performance for the week; (3) provided all assigned Acclaim feedback, both for yourself and for others; and (4) turned in all other assignments due that week.

If you are aware of a scheduling conflict for a graded exercise, you may make your own arrangements in advance for an alternative deadline. These arrangements must be satisfactory to your partner, and they must be approved by me in advance. Please note that if you miss a graded lab exercise without making advance arrangements, you cannot make up the exercise; in addition to the absence, you will also earn a 0 for that exercise.

The final trial cannot be rescheduled.

8. Emergency Procedures:

Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

9. Office Hours and Personal Availability:

I am available via e-mail and will make appointments to meet with you personally, telephonically, or via video call. In addition, my cellphone number is 618-503-0147. You are welcome to text or call. If you text, please include your name so I know with whom I am communicating.

10. Other University Information.

Summer 2014 Syllabus Information, available at: http://pvcaa.siu.edu/frequently-used-forms/Syllabus%20Attachment_Summer2014.pdf. This attachment contains important information about university deadlines, policies and resources.