



UNIVERSITY OF MARYLAND

2021 TERP YOUNG SCHOLARS PROGRAM

MLAW298M Special Topics in Legal Studies

Mock Trial | YW41

Instructor Information

Instructor: Erica Smith, Esq.

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Office Hours: By appointment

Erica Smith is a 2006 graduate of the University of California, Berkeley, School of Law and a 2009 graduate of Temple University, Beasley School of Law with an LL.M. in Trial Advocacy. In 2016, Erica received a diploma from the National Institute for Trial Advocacy for completing an intensive professional training program in the art of Teacher Training Skills. A member of the District of Columbia Bar and the State Bar of California, Ms. Smith has practiced law as an associate in the business trial practice group of Sheppard, Mullin, Richter & Hampton LLP in Los Angeles, CA and as a litigation associate at Wilson, Elser, Moskowitz, Edelman & Dicker LLP in Washington, D.C.

Currently, Erica is the Associate Director of Justice and Legal Thought. As Associate Director, Erica plays an active role in curriculum design and is responsible for teaching many courses within the program. Prior to joining College Park Scholars, Erica was the Assistant Director of J.D. Admissions at Georgetown University Law Center where she assisted in the development and implementation of programs for student outreach, recruitment, and admissions.

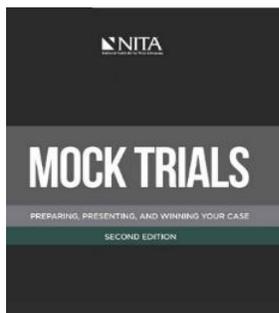
Course Information

Experience the excitement and reward of arguing, and perhaps winning your client's case in court. Mock Trial is designed for students who are interested in learning practical techniques for shaping the evidence, using the law, and exploiting the courtroom to create a coherent and convincing case theory. By the end of the course, students will have learned to prepare witnesses, deliver convincing direct examinations, effectively cross-examine witnesses, raise and overcome evidentiary objections, and select the strongest facts to persuasively present to a judge and jury. While classes will include explanatory lectures, the emphasis will be on learning through student exercises and by students observing and analyzing the performances of others. This hands-on course will culminate in two civil mock trials where students will act as an attorney in one of the cases and as a witness or juror in the other. Both mock trials will be video recorded to allow for additional self-evaluation and analysis.



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Course Dates, Times & Location: MTuWThF 11:00am - 12:30pm & 1:00pm to 2:30pm
ONLINE from July 12 – 30, 2021



Required Textbook: Mock Trials: Preparing, Presenting and Winning Your Case, Second Edition | ISBN: 978-1-60156-333-0

Required Case File: Dixon v. Providential Life Insurance, Seventh Edition | ISBN: 978-1601567994 **OR** Fulbright v. Americraft Industries and Parker, Fourth Edition | ISBN: 978-1-60156-487-0 | You will purchase the Case File for the case where you serve as an attorney

Required Equipment: The virtual classroom is a dynamic space, please visit <https://oes.umd.edu/pre-college-programs/terp-young-scholars-online/how-online-program-works/technical-requirements> to confirm you

have the necessary technology to be successful in this online course. Students registered in this course will need a way to transmit video. Cameras built into computer monitors are sufficient. For students that do not have a built-in camera on their computer, a web-cam attachment will be needed.

Course Goals

The main goal of this course is to introduce students to the key principles of trial advocacy through a “learn by doing” approach to instruction. While no student should expect to leave this class as a polished advocate ready for trial, everyone can expect to leave with a greater understanding of litigation tactics and courtroom performance. Irrespective of initial skill levels, students will leave this class with greater confidence in public speaking and presentation.

This class will:

1. Increase proficiency in basic skills such as reading and speaking, critical thinking skills such as analyzing and reasoning, and interpersonal skills such as listening and cooperating;
2. Provide the opportunity for interaction with positive adult role models in the legal community; and
3. Provide a hands-on experience from which students can learn about law, society, and themselves.

Course Format

During this course, we will work on three fictitious cases:

1. Scott Walker v. Tanya Brewster
2. Fulbright v. Americraft Industries and Parker
3. Dixon v. Providential Life Insurance



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The first case, Walker v. Brewster, involves the negligent storage of a firearm and negligent supervision of a minor child. The plaintiff alleges that the defendant negligently stored a firearm and negligently supervised her child thereby causing harm to Jesse Walker. The Defendant claims that it is not her fault that Jesse was injured instead, it was the Plaintiff's negligent supervision of his children that allowed the accident to happen. The case file for Walker v. Brewster is available on the course webpage.

Walker v. Brewster will be used during weeks 1 and 2 to illustrate the basic principles of trial preparation and techniques. Students should come to class during weeks 1 and 2 knowledgeable about the assigned materials and prepared to participate in all activities. Individual student performances will be video recorded to allow for additional self-evaluation and analysis.

In Fulbright v. Americraft Industries and Parker, a high-school football star, John Fulbright, is thrown from his motorcycle and severely injured when it collides with a Cadillac that just pulled out of a parking lot. Most of the witnesses say Fulbright was speeding and not wearing a helmet, but a fourteen-year-old boy says otherwise. There is evidence that the Cadillac's driver, Andrew Parker, an Americraft employee, had been drinking. The plaintiff claims he became an epileptic as a result of his injuries. There is not a helmet law in the State of Nita.

In Dixon v. Providential Life Insurance, Judge John Dixon's dead body was found on the floor of his home office with a gunshot wound to the head, his favorite shotgun by his side. His wife, the plaintiff, demands that Providential Life Insurance Company pay on the \$1 million life insurance policy taken out by Judge Dixon shortly before his death, but Providential refuses, citing the suicide provision of the policy. The medical examiner, Dixon's personal physician, determined the death was accidental, but Providential claims the medical examiner's conclusion was tainted by his friendship with the judge and a hasty investigation, and that Dixon's death was, in fact, a suicide.

Course Expectations

As stated above, the emphasis in this course is on a "learn by doing" approach to instruction. Students will be learning trial skills largely by performing them in class. As such, a quality learning experience in this course will rest upon a high degree of preparation and participation. Students are expected to arrive on time, knowledgeable about the assigned materials and prepared to participate in all activities. Attendance to all lectures is mandatory as in-class activities will not be repeated. During class, I ask that you participate by:

- listening actively when others are speaking;
- responding with relevant remarks when you feel comfortable doing so; and
- working in small groups when asked.



Course Webpage

The course webpage can be found at www.elms.umd.edu/. You must use your directory ID and password to access this page. You should access the course webpage as soon as possible. All class materials will be posted to ELMS throughout the semester, so check the site frequently.

Grading

Your grade in this class will consist of the following three components:

Assignments (20%)

Mock Trial performances (30%)

Mock Trial Exam (50%)

Total: 100%

Your final letter grade will be based on the following grading scale:

A+	=	Discretion of the Instructor	C+	=	77-79
A	=	93 and above	C	=	73-76
A-	=	90-92	C-	=	70-72
B+	=	87-89	D+	=	67-69
B	=	83-86	D	=	63-66
B-	=	80-82	D-	=	60-62
F	=	59 and below			

Please note, students **must** participate in both mock trials in order to pass the class. Before signing up for this course, students should carefully consider the mock trial dates (Wednesday, July 28th and Friday, July 30th) to make certain they can be present. Late work will not be accepted so please plan to have it submitted on or before scheduled deadlines.

Extra Credit

In preparation for the Mock Trial Exam, you will have the opportunity to take a practice exam. The practice exam will be worth 5 points. There will be 5 questions. For each question, you should select the best answer. Once you have submitted an answer, you will not be able to change it later. You will not be able to view the previous question. The practice exam will be closed book. No notes will be allowed. You will have 5 minutes to complete the practice exam. You will receive 1 extra credit point for every answer you get correct.



University & Department Policies

As a member of this campus community, I expect that you are aware of, and will adhere to, all relevant policies that relate to this course including, but not limited to, the following:

Academic Integrity

The University of Maryland, College Park has a nationally recognized [Code of Academic Integrity](#), administered by the Student Honor Council. You are expected to abide by the code in this course. Academic dishonesty, including cheating, fabrication, facilitating academic dishonesty, and plagiarism will not be tolerated.

Absences and Accommodations

It is my expectation that you attend class regularly. Excused absences must be requested promptly and must be supported by appropriate documentation. It is your responsibility to visit and review the University of Maryland Policy on Excused Absence at <http://www.president.umd.edu/administration/policies/section-v-student-affairs/v-100g>. I also encourage you to visit and review the Undergraduate Studies webpage on Course Related Policies at <http://www.ugst.umd.edu/courserelatedpolicies.html>.

Disability Support Services

Students with disabilities needing or receiving accommodations should make an appointment to meet with Erica Smith at the start of the semester. Disability Support Services is available for all students needing accommodation. Students should contact them via 301-314-7682 or dissup@umd.edu.

Course Evaluations

The University will ask you to evaluate this course by visiting www.courseevalum.umd.edu. The course evaluation for MLAW298M will be available July 27th through July 29th. I want to encourage you to schedule a meeting with me at any time during the course if you have any questions, concerns, or suggestions on how I can help support your learning and engagement.



IT'S IN THE SYLLABUS



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Class Schedule: Week 1

Please note that the schedule below is subject to change as needed. Any change to the syllabus will be posted on ELMS. All **Required Readings** are due on the date for which they are listed. All **Assignments** are due the following class period.

<p>Monday, July 12th</p> <p><i>Lecture</i> 11:00am - 12:30pm 1:00pm - 2:30pm</p>	<p>Trial Basics, Case Preparation and General Overview of <u>Scott Walker v. Tanya Brewster</u></p> <p>Required Readings: Chapters One and Two in the textbook as well as <u>Walker v. Brewster</u></p>
<p>Tuesday, July 13th</p> <p><i>Lecture</i> 11:00am - 12:30pm 1:00pm - 2:30pm</p>	<p>Communication Techniques and Opening Statement</p> <p>Required Reading: Chapters Three and Thirteen in the textbook Assignment: Prepare a 3-minute opening statement in <u>Walker v. Brewster</u></p>
<p>Wednesday, July 14th</p> <p><i>Exercise</i> 11:00am - 12:30pm <i>Lecture</i> 1:00pm - 2:30pm</p>	<p>Closing Argument Exercise: Student prepared opening statements</p> <p>Required Reading: Chapter Fourteen in the textbook Assignment: Prepare a 3-minute closing argument in <u>Walker v. Brewster</u></p>
<p>Thursday, July 15th</p> <p><i>Exercise</i> 11:00am - 12:30pm <i>Lecture</i> 1:00pm - 2:30pm</p>	<p>Direct Examination Exercise: Student prepared closing arguments</p> <p>Required Reading: Chapter Six in the textbook Assignments: Prepare a 3-minute direct examination in <u>Walker v. Brewster</u></p>
<p>Friday, July 16th</p> <p><i>Exercise</i> 11:00am - 12:30pm <i>Lecture</i> 1:00pm - 2:30pm</p>	<p>Cross-Examination Exercise: Student prepared direct examinations</p> <p>Required Reading: Chapter Eight in the textbook Assignments: Prepare a 3-minute cross-examination in <u>Walker v. Brewster</u></p>



Class Schedule: Week 2

Please note that the schedule below is subject to change as needed. Any change to the syllabus will be posted on ELMS. All **Required Readings** are due on the date for which they are listed. All **Assignments** are due the following class period.

<p>Monday, July 19th</p> <p><i>Exercise</i> 11:00am - 12:30pm</p> <p><i>Lecture</i> 1:00pm - 2:30pm</p>	<p>Redirect Examination, Recross-Examination, and Impeachment <i>Exercise:</i> Student prepared cross-examinations</p> <p>Required Readings: Chapters Nine and Ten in the textbook</p> <p>Assignments: Prepare impeachment by prior inconsistent statements and impeachment by omission exercises</p>
<p>Tuesday, July 20th</p> <p><i>Exercise</i> 11:00am - 12:30pm</p> <p><i>Lecture</i> 1:00pm - 2:30pm</p>	<p>Foundations and Exhibits <i>Exercise:</i> Student prepared impeachment by prior inconsistent statements and impeachment by omission exercises</p> <p>Required Readings: Chapter Seven in the textbook</p> <p>Assignments: Prepare offering exhibits at trial</p>
<p>Wednesday, July 21st</p> <p><i>Exercise</i> 11:00am - 12:30pm</p> <p><i>Lecture</i> 1:00pm - 2:30pm</p>	<p>Expert Testimony <i>Exercise:</i> Offering of exhibits</p> <p>Required Readings: Chapter Eleven in the textbook</p> <p>Assignments: Prepare direct and cross-examination of expert witnesses exercises</p>
<p>Thursday, July 22nd</p> <p><i>Exercise</i> 11:00am - 12:30pm</p> <p><i>Lecture</i> 1:00pm - 2:30pm</p>	<p>Evidence Made Simple and Objections <i>Exercise:</i> Direct and cross-examination of expert witnesses</p> <p>Required Readings: Chapters Five and Twelve in the textbook</p> <p>Assignments: Raising and responding to objections exercise</p>
<p>Friday, July 23rd</p> <p><i>Exercise</i> 11:00am - 12:30pm</p> <p><i>Lecture</i> 1:00pm - 2:30pm</p>	<p>Preparation for Mock Trial Exam and Mock Trials <i>Exercise:</i> Raising and responding to objections</p> <p>Required Readings: <u>Dixon v. Providential Life Insurance</u> and <u>Fulbright v. Americraft Industries and Parker</u></p> <p>Assignments: Study for your Mock Trial Exam, complete the Extra Credit Practice Exam, and begin case preparation for your final mock trials</p>



Class Schedule: Week 3

Please note that the schedule below is subject to change as needed. Any change to the syllabus will be posted on ELMS. All **Required Readings** are due on the date for which they are listed. All **Assignments** are due the following class period.

Monday, July 26th <i>Lecture</i> 11:00am - 1:00pm <i>Mock Trial Exam</i> Asynchronous <i>Case Preparation</i> Asynchronous	Introduction to the Legal Profession, Mock Law School Class, Mock Trial Exam and Case Preparation for Mock Trials
Tuesday, July 27th <i>Case Preparation</i> Asynchronous	Case preparation for <u>Dixon v. Providential Life Insurance</u>
Wednesday, July 28th <i>Mock Trial # 1</i> 11:00am - 2:30pm	Mock Trial # 1: <u>Dixon v. Providential Life Insurance</u>
Thursday, July 29th <i>Case Preparation</i> Asynchronous	Case preparation for <u>Fulbright v. Americraft Industries and Parker</u>
Friday, July 30th <i>Mock Trial # 2</i> 11:00am - 2:30pm	Mock Trial #2: <u>Fulbright v. Americraft Industries and Parker</u>

