

**Contact Information & Office Hours:** We will have no set formal office hours, but we encourage any student to meet with either of us, in person or by phone, to discuss any topic or issue a student wishes, class-related or otherwise. Judge Irving can be reached via email at [kirving@vacourts.gov](mailto:kirving@vacourts.gov) and Mr. Zweig can be reached via email at [barryazweig@msn.com](mailto:barryazweig@msn.com).

**Course Materials:** There is no textbook for this course. All materials will be provided by the instructor during class.

**Student Evaluation:** This will be a graded class. Students will be evaluated based upon their understanding, implementation, and utilization of trial techniques taught and practiced in class. Attendance and participation in this highly interactive class will be considered in the final grade.

### **Goals and Learning Outcomes**

The primary goal for the Advanced Advocacy class is to provide a “hands on” interactive learning experience for students who wish to establish themselves as a commanding presence in the courtroom. This class will work with fact patterns involving both criminal and civil cases. Students in the class should have completed, or be enrolled in, evidence and one other trial advocacy course before taking this class. However, these prerequisites may be waived or modified by the professor at her discretion.

This course differs from other trial advocacy competition courses. Trial competition courses generally rely on mastering one fact pattern over the course of the semester with the goal of “scoring points” before a judge(s) in one-on-one team competitions. Advanced Trial Advocacy will teach students to be successful trial lawyers in front of juries and does not utilize any “point” system. Rather, student will learn how to present cases in front of “real people” with no legal background. This course concentrates on communicating your case in an organized and thematic manner. Students will advocate several different positions, both criminal and civil, at different stages of trial, and each student will conduct at least one entire trial at the end of the semester.

The following is a non-exclusive list of specific outcomes for this course:

1. To broadly know and be able to apply strong legal advocacy in support of a party’s position
2. To develop a consistent and successful legal theme for your case with attainable goals and outcomes.
3. Apply and argue applicable rules of evidence in light of the provided fact patterns.
4. To research, apply, and argue appropriate case law and statutes in support of or in opposition to a legal position
5. To zealously represent a party, mindful of one’s legal obligation to conduct himself/herself in a professional and civil manner at all times.
6. To transfer the trial skills learned in this class to any type or level of advocacy, criminal or civil.
7. To master communication skills with the judge and jury and to successfully advocate for a positive outcome for your client.
8. To learn how and when, if at all, to make objections to the evidence and how to timely preserve the record for appeal.
9. To be able to “think on your feet” and successfully pivot and/or adjust your approach during a trial, due to an unexpected “turning” of a witness at trial.
10. To master the skill of preparing and cross-examining expert witnesses.

Law 331-001 | Advanced Trial Advocacy | Spring 2025 | 2 credits  
Professor(s): Honorable Judge Kimberly A. Irving & Barry Zweig  
Thurs. 4:00 – 6:00 pm EST | Final Exam: N/A

### **Class Format**

We will be using real life fact patterns and performing exercises relating to all parties of a jury trial, which will require full class preparation and participation by every student in each class.

We will conduct two (2) full bench trials from start to finish All students will be assigned roles in each case/fact-pattern.

### **Student Responsibilities**

Students are required to attend class and to be timely at all times. If a student knows that he/she cannot attend a class or that he/she will be late for class, it is the responsibility of that student to contact the professor beforehand by phone or email.

All students are required to actively participate in class. This is an experiential class—students will get the best experience in this class by participating to the fullest.

Failure to comply with any of these responsibilities may jeopardize a student's credit for this course.

### **Class Schedule**

#### **Thursday, January 16, 2025- 4:00pm - 6:00pm**

##### Class 1: INTRODUCTION – OVERVIEW OF COURSE

1. Course materials
2. Class layout
3. Opening statements

#### **Thursday, January 23, 2025- 6:00pm - 8:05pm**

##### Class 2: EFFECTIVE VOIR DIRE, Part I

1. Getting Jurors to talk
2. Front loading your theme
3. Taking control of the Courtroom

#### **Thursday, January 30, 2025- 6:00pm - 8:05pm**

##### Class 3: VOIRE DIRE, Part II

1. Participate in class *voire dire*
2. All students should try to bring one extra person to class to be used as a juror

#### **Thursday, February 6, 2025- 6:00pm - 8:05pm**

##### Class 4: OPENING STATEMENTS

1. Fact pattern to be supplied
2. How to tell your story

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**Thursday, February 13, 2025- 6:00pm - 8:05pm**

Class 5: DEPOSITIONS & DIRECT EXAMINATION, Part I

1. Purpose
2. Effect

**Thursday, February 20, 2025- 6:00pm - 8:05pm**

Class 6: DIRECT EXAMINATION, Part II, & FOUNDATIONS

1. Directing the stubborn witness
2. Adverse witnesses
3. Memorize your foundations

**Thursday, February 27 2025- 6:00pm - 8:05pm**

Class 7: EXPERT WTINESSES “Live or Die by Them”

1. Laying the foundation for your witness

**Thursday, March 6, 2025- 6:00pm - 8:05pm**

Class 8: CROSS EXAMINATION

1. What point are you trying to make?
2. LEAD the witness
3. Cross examination practice

**Monday March 10, 2025- Friday March 14, 2025: SPRING BREAK NO CLASS**

**Thursday, March 20, 2025- 6:00pm-8:05pm**

Class 9: CLOSING ARGUMENTS

1. Is your theme consistent?
2. Con you deliver what you promised?
3. Passion and belief is key
4. Are you still in control of the courtroom?

**Thursday, March 27, 2025- 6:00pm – 8:05PM**

Classes 10: BENCH TRIAL

**Thursday, April 3, 2025- 6:00pm-8:05pm**

Class 11: BENCH TRIAL

**Thursday, April 10, 2025- 6:00pm-8:05pm**

Class 12: Recap