

University of Victoria - Faculty of Law
Law 356 Advocacy
 Fall Term 2009

Schedule and Readings

Subject to change

Chapter references are to Modern Trial Advocacy - Canada

It may not be possible for students to complete every assigned exercise in class.

Typically the student exercises will be in the first half of the class and the demonstrations and discussions in the second half.

	Preparation	Class Topics and Exercises
Sept. 10		<p>Introduction to the course and advocacy</p> <p>Mock Trial cases will be assigned</p> <p>Lecture and discussion: Steps in the Trial Process Introductory Powerpoint - Internet Edition</p>
Sept. 17	<p>Prepare <i>R. v. Smith</i> for trial Role assignment and order of trial</p> <p>Case: R. v. Smith</p> <p>Exhibits: Photograph of right eye; Photograph of left eye and nose; Diagram of Victoria Bar and Grill</p>	<p>Student Exercise: The trial of <i>R. v. Smith</i></p> <p>Four students will be counsel Four students will be witnesses Four students will be judges</p>
Sept. 24	<p><i>R. v. Smith</i> Judges: Prepare individual judgements Readings: Chapters 1, 2, 3</p>	<p>Each judge presents a synopsis of his/her judgement (3 min) (Judges are also required to submit their judgement in writing)</p> <p><i>R. v. Smith</i> de-briefing</p> <p>*****</p> <p>Demo and discussion: Direct Examination - non-expert witness</p> <p>Bonus track: demo and discussion (if time permits) - direct examination of an expert witnesses</p>

<p>Oct. 1</p>	<p>Prepare a direct examination Using your case partner as the witness conduct a direct examination from your assigned case. <u>Do not use exhibits.</u></p> <p>The direct examination should be no more than 10 minutes long.</p> <p>Readings: Chapter 4 parts I - IV and VI R. v. Stanton - leading questions</p> <p>Additional Reading: Expert Testimony Chapter 8</p>	<p>Student exercise: Direct Examination</p> <p>*****</p> <p>Demo and Discussion: Presenting exhibits</p>
<p>Oct. 8</p>	<p>Prepare exhibits exercise Using your case partner as the witness, conduct a direct examination focussed on the presentation of exhibits.</p> <p>You are not limited to the exhibits mentioned in the case - you may create other exhibits relevant to the case.</p> <p><u>Each student should present three types of exhibits</u> and lead your witness regarding its relevance:</p> <ol style="list-style-type: none"> 1. A real exhibit - such as gun or an article of clothing 2. A map or diagram 3. A photograph <p>Readings: Chapter 10</p> <p>Example of evidence presentation using PowerPoint (R. v. Ross)</p> <p>Example of Exhibit Tracking Sheet</p> <p>Steusser's 5 Easy Steps to Tendering Exhibits</p>	<p>Student exercise: Presenting exhibits</p> <p>*****</p> <p>Demo and Discussion: Cross examination - general</p>

<p>Oct. 15</p>	<p>Prepare cross examination exercise Use counsel from the opposite side of your assigned case as the witness, conduct a cross examination. Assume the witness has testified in accordance with their original statements.</p> <p>The cross examination should be no more than 10 minutes long</p> <p>Readings: Chapters 5</p> <p>Professor Younger's 10 Commandments of Cross Examination</p> <p>R. v. Lyttle 2004 SCC 5 the evidentiary basis required for cross-examination.</p> <p>s. 10 of the Canada Evidence Act</p> <p>Four Steps to Impeachment</p> <p>See also: More Readings</p>	<p>Student Exercise: Cross examination</p> <p>*****</p> <p>Demo and Discussion: Cross examination - impeachment</p>
<p>Oct. 22</p>	<p>Prepare a cross examination with the primary goal to impeach the witness on a prior inconsistent statement..</p> <p>Use counsel from the opposite side of your assigned case as the witness. Assume the witness has testified in accordance with their original statements. During cross examination the witness will make two significant departures from their previous written statement. Counsel will then impeach the witness.</p> <p>The cross examination should be no more than 10 minutes long</p> <p>Readings: Chapters 6</p>	<p>Student exercise: Cross examination - impeachment</p> <p>*****</p> <p>Demo and Discussion</p> <p>Openings and Closings</p> <p>Trial Book Sample Trial Book Index Sample Witness Table Sample Witness Schedule</p>

	<p>s. 10 of the Canada Evidence Act</p> <p>Four Steps to Impeachment</p>	
<p>Oct. 29</p>	<p>Each student will individually prepare <u>both</u> an opening and a closing for their assigned case. 5 maximum.</p> <p>Readings: Chapters 11 and 12</p> <p>Opening Statements: Schram v. Osten BCSC Hall v. Schmidt Ont. Gen. Div. R. v White Alta QB [Timing of Defence Opening]</p> <p>Example of a Closing R. v. Cairns</p> <p>Prepare as a team A short presentation on the theory and main issues of your assigned case.</p> <p>Prepare individually Write a newspaper article on your assigned case (maximum 4 paragraphs).</p> <p>Readings: Chapters 7, 9 and 4.V s. 9 of the Canada Evidence Act R. v. Milgaard (1970) 2 C.C.C. (2d) 206 (Sask.C.A.)</p> <p>See also: More Readings</p>	<p>Student Exercise: Opening and Closings Each student will have an opportunity to present an opening or closing (or both if time permits) for their assigned case. Reading the opening/closing is not permitted.</p> <p>*****</p> <p>Demo and Discussion:</p> <ul style="list-style-type: none"> • adverse witness • re-examination • objections <p>*****</p> <p>Student exercise: Objections</p> <p>Student exercise: Case theory and main trial issues Presentation and discussion of the case theory and main issues of your assigned case.</p> <p>*****</p> <p>Written assignment due</p> <p>Review of Mock Trial Rules and Procedure</p>

	<p>Prepare: Objections Exercise</p>	
Nov. 5	<p>Prepare for Dress Rehearsal: Crown Case</p> <p>The dress rehearsal is are an opportunity to walk through your whole case from opening to closing including the presentation and use of exhibits.</p> <p>Each group will be assigned a practitioner to assist. The lawyer will act as a resource to provide guidance and advice for each step of the trial process</p> <p><u>A note re Voir Dires:</u> the rules do not permit witnesses to be called on a voir dire. Crown and Defence must therefore agree on the facts which will form a basis for the legal argument. Agreements on voir dire facts should be worked out during the dress rehearsals.</p>	<p>Mock Trial Dress Rehearsals: Crown Case</p> <p>Due Trial Book Assignment</p>
Nov. 12	<p>Prepare for Dress Rehearsal: Defence Case</p>	<p>Mock Trial Dress Rehearsals: Defence Case</p>
Nov. 17	<p>Mock Trial Case A - Victoria Courthouse Counsel - Group A Witnesses - Group B - see witness assignments Jurors - Group C</p>	
Nov. 18	<p>Mock Trial Case B - Victoria Courthouse Counsel - Group B Witnesses - Group C - see witness assignments</p>	

	Jurors - Group A	
Nov. 19	Mock Trial Case C - Victoria Courthouse Counsel - Group C Witnesses - Group A - see witness assignments Jurors - Group B	

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