

**The Art of Advocacy:
Trial Persuasion in a Polarized World**

Taught by: Zoe Littlepage and Rainey Booth

Contact Info: Zoe Littlepage: zoe@littlepagebooth.com
Rainey Booth: rainey@littlepagebooth.com
Phone: 713-529-8000

Days / Times for course: Tuesday and Thursday: 1-2:30PM

NOTE: **There will be no class on Thursday August 31.**
The make-up class will be on **Friday September 22.**

Summary Description of Course: Throw out the old and embrace the new: we now have a highly polarized country where a jury with totally divergent views still have to agree on a verdict. Learn from real litigators how to handle a case in this environment; from A to Z. Taught by two practicing lawyers with decades of plaintiff and defense courtroom experience, this class highlights cutting edge techniques for persuasion and trial advocacy. Become comfortable with the pretrial work-up, visual storytelling, case framing, arguing motions before a judge, developing – and defending against - safety rules, examination of plaintiffs, fact and expert witnesses as well as composing a winning closing argument. Then practice, practice, practice as each week you put into action what you learned the week before. Leave this course with the skills needed to present a case from beginning to end as well as materials and notes that will become your litigation bible.

Course Materials: All required readings will be provided to students. Students do not need to purchase textbooks or materials for this course.

Office Hours: Zoe Littlepage and Rainey Booth will be regularly available for consultation with students before and after class. If desired, contact them directly to arrange an on-campus meeting.

Dress for class: For any class in which you will be practicing a skill, it is expected that you will dress in courtroom attire.

Grading: The students' final grades will be assessed as follows:

Skills sessions: 50% of grade

Preparation, application of the techniques discussed, familiarity with assigned readings and improvement of skills will be considered.

Graded skills (10% of grade for each of the following skills):

Voir Dire
Opening Statements
Plaintiffs Testimony
Fact Witness Testimony
Expert Witness Testimony

Final Exam: Closing Arguments: 20% of grade

There will not be a written final exam. Students' closing argument – which should incorporate much of the semester's materials – will be in lieu of a final exam.

Pop Quizzes: 10% of grade

There will be three pop quizzes during the semester covering materials from the readings and lectures.

Trial Notebook: 10% of grade

For each graded skill, students will turn in a copy of their trial notebook for review.

Class Participation & Attendance: 10% of grade

Attendance, preparation, participation and attention in class
Familiarity with written materials and subject matters presented

NOTE: Students may only miss two classes without impacting their participation grade. Being more than 15 minutes late to class will be considered an absence.

SYLLABUS

WEEK 1:

August 22: **Syllabus Review and Introduction to Litigation**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Tips from the trenches on realities of being a courtroom lawyer Review of syllabus	Making a first impression	Watch the movie: 0274 You Tube Search terms: "0274 Monica George Littlepage Booth"

August 24: **Pretrial Motions**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Pretrial motions and Persuading the Audience of One	Narrative story-telling	Motions in Limine

WEEK 2:

August 29: **Pretrial Motions**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
	Arguing Motions in Limine	Excerpts from " <i>Changing Laws, Saving Lives</i> " by Randi McGinn

August 31: **NO CLASS**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
	NO CLASS	

WEEK 3:

Sept. 5: **The Nuts and Bolts of Story Telling**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Three types of litigation story-telling: <ul style="list-style-type: none">- Visual staging- Creating narratives of your case facts- Using analogies, metaphors & examples		Voir Dire

Sept 7: **Voir Dire: Jury dynamics in a polarized world**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Voir Dire Techniques: Educate, Inoculate, Disqualify	Analogies, Metaphors & Examples	“Reptile” Persuasive Technique

WEEK 4:

Sept 12: **Advanced Persuasion Techniques**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Advanced Persuasion: Reptile and Rules reptile and advanced persuasion techniques to Opening Statement	Voir Dire	Opening Statements

Sept. 14: **Opening Statement**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Opening Statement: Organization, Road Mapping & Inoculation	Voir Dire	Excerpts from “ <i>Case Framing</i> ” by Mark Mandell

WEEK 5:

Sept. 19 **Opening Statement**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Opening Statement: Tips and Thoughts	Opening Statements	

Sept. 21 **Opening Statement**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Opening Statement: More Tips and Thoughts	Opening Statements	Visual Presentation of Evidence

Sept. 22 **MAKE UP CLASS: Visual Presentation of Evidence**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Visual Storytelling: Thinking outside the box on demonstrative aides		Plaintiff Testimony

WEEK 6:

Sept 26: **Plaintiff Testimony**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
The Powerful Plaintiff: Direct and cross-examination of Plaintiffs	Telling a Story with Visuals	Direct & Cross Examination of Fact Witnesses

Sept 28: **Direct and Cross-Examination of plaintiffs**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Objections: When to speak and when to stay silent	Direct and cross-examination of Plaintiffs	“Rules of the Road” Persuasion Techniques

WEEK 7:

October 3: **Persuading using Safety Rules**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Incorporating safety rules and defending against them	Direct and cross-examination of Plaintiffs	Fact Witnesses

October 5: **Fact Witnesses**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Effective direct and cross examination of fact witnesses at trial	Presenting safety rules	Excerpts from “ <i>The Fearless Cross-Examiner</i> ” by Patrick Malone (provided)

WEEK 8:

October 10: **Direct and Cross-Examination of Fact Witnesses**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Presenting expert testimony plus building the expert’s back story	Direct and Cross-Examination of Fact Witnesses	Expert Witnesses

October 12: **Expert Witnesses: Direct**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Cross-examination of experts (Attack, Sack, Highjack)	Direct and Cross-Examination of Fact Witnesses	

WEEK 9:

October 17: **Expert Witnesses**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
	Direct and Cross-Examination of Expert Witnesses	

October 19: **Direct and Cross-Examination of Expert Witnesses**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Tips on Expert Witnesses	Direct and Cross-Examination of Expert Witnesses	Damages Concepts

Week 10:

October 24: **Damages**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Go Big or Go Home: How to tell powerful stories about loss, grief and damages		

October 26: **Arguing damages**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
	Arguing Damages	The Steps of Trial

WEEK 11:

November 7: **Practicalities of Trial**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Dotting the "I"s and crossing the "T"s: The details of trial including jury instructions, admission of medical records and bills, life expectancy tables, evidence check-lists	Arguing Damages	Closing Argument

November 9: **Closing Argument**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
Closing argument: Put a Bow on It		Closing Argument

WEEK 12:

Nov 14: **Closing Arguments**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
	Closing Arguments	

Nov 16: **Closing Arguments**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
	Closing Arguments	

WEEK 13:

Nov 21: **LAST CLASS: Closing Arguments**

<i>Lecture</i>	<i>Skills Practice</i>	<i>Reading for next class</i>
	Closing Arguments	

NOTE

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let's Talk” program, a drop-in consultation service at convenient locations and hours around campus. http://www.uh.edu/caps/outreach/lets_talk.html