TRIAL ADVOCACY
PROFESSOR PETER HOFFMAN
FALL SEMESTER 2009

RULES FOR FINAL JURY TRIALS

1. **The final jury trials will be held on Saturday, November 14th, from 9:00 am to 5:00 pm at the Harris County Civil Courts Building, 201 Caroline Street, and the Harris County Criminal Justice Center, 1201 Franklin Street.**

2. **The bench trials will be tried before a faculty member sitting as a judge in a district court for the State of Texas. The Texas Rules of Evidence will apply.**

3. **ABSOLUTELY NO FOOD OR DRINK MAY BE TAKEN INTO ANY OF THE COURTROOMS. COURTROOMS MUST BE LEFT NEAT AND CLEAN AT THE END OF THE TRIALS. DO NOT TOUCH ANY OF THE JUDGE'S OR JURORS' MATERIALS**

4. **You will be paired with a co-counsel. You are expected to work with and cooperate with your co-counsel in preparing for and trying the case.**

5. **The co-counsel pairings and courtroom assignments will be distributed at a later date.**

6. **The trial will be of State v. O'Neil. You will be representing the same side that you represented in your Small Group sessions.**

7. **You are responsible for obtaining persons who can play the roles of the witnesses for your side. Please avoid using attorneys as your witnesses. Make sure your witnesses are well prepared for their roles before they testify.**

8. **Each side must conduct at least one direct examination and one cross examination. If both sides present the testimony of three witnesses, one person on a side shall conduct two directs and the other should do two crosses. One member of each trial pairing shall deliver the opening statement and conduct the voir dire examination and the other member will deliver the closing argument. Only the partner examining or cross examining a witness may object during the examination of that witness by opposing counsel.**

9. **If there are sufficient members of the panel, then you will be permitted to exercise preemptory strikes at the conclusion of the voir dire examination. If, however, there are not sufficient members, then no**

strikes will be permitted, but you should note which panel members you would have struck if permitted to do so. You should also be prepared to make any challenges for cause, irrespective of the number of panel members.

10. Trials will start promptly at 9:00 am. Please arrive at your courtroom no later than 8:30 am.

11. Time limits are as follows:

i.	**Voir Dire Examination per side**	**10 minutes**
ii.	**Opening Statement per side**	**10 minutes**
iii.	**Plaintiff's Case (including cross examination of defendant's witnesses)**	**90 minutes**
iv.	**Defendant's Case (including cross examination of plaintiff's witnesses)**	**90 minutes**
v.	**Closing Argument per side**	**15 minutes**

TIME LIMITS WILL BE STRICTLY ENFORCED

12. No pretrial conference will be held. On the day of the trial, be prepared to argue before the beginning of the trial any motions deemed appropriate. Counsel must provide opposing counsel with written copies of any pretrial motions (the written motions need not be long) three days before the final trial date. It is not necessary to prepare briefs, but be prepared to present and argue your motions in court.

13. Plaintiff must reserve rebuttal time for its closing at the beginning of the plaintiff's closing argument.

14. The judge, in his or her discretion, may deduct the time spent on arguing objections from the allotted time of the party raising the objection if the number of objections or the time spent arguing is excessive.

15. A party may invoke the rule (R. 267 and TRE 614). The witnesses, after proper instructions, will *not* be excluded from the courtroom.

16. **The jury will deliberate with counsel present. Counsel shall not interject themselves in any way into the deliberations.**

17. **Counsels are admonished not to change or "juice" the facts. Witnesses may make up *background* facts that are consistent with the given facts.**

18. **Courtroom attire is required.**

19. **A brief critique will follow the conclusion of the trial.**