

Professor Natalie Ware
Judge Genesis Draper
UH Law Center
Advanced Trial Advocacy
Spring Semester 2023

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University of Houston Law Center
Advanced Trial Advocacy Syllabus
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1. **Purpose:** The purpose of this syllabus is to provide details concerning the requirements applicable to this course, including the schedule for class sessions, examination policies, professor availability, and similar matters.
2. **Class date & time:** Monday 6PM – 9PM
3. **Mode of Instruction:** Face-to Face
4. **Required materials for this course:**
 - a. Thomas A. Mauet, “Trials Techniques & Trials,” Aspen Publishers (9th Edition) – May be purchased at the UH Bookstore or at www.Amazon.com. ISBN-13: 9781454822332
 - b. Federal Rules of Evidence (can be viewed online or purchased)
 - c. *Smiley Cyrus v. Mega Entertainment, INC.* , publicly available [HERE](#)
 - d. The United States of Lone Star v. Stevie Tyler, publicly available [HERE](#)
5. **Supplemental materials for this course:**
 - a. Goode & Wellborn, “Courtroom Evidence Handbook 2016-2017 Student Edition,” Thomson West (2016). ISBN-13: 978-1634607421.
 - b. Additional supplemental materials, including but not limited to the second case that will be the basis of our final, will be provided at a later date and will be made available by email.
6. **Student Hours:** By appointment
7. **Contact Information:**
 - a. **Natalie Ware**
 - i. **Phone:** (281) 797-2196
 - ii. **Email:** natalieaware@gmail.com (preferred contact method)
 - b. **Judge Genesis Draper**
 - i. **Phone:** (615) 496-0499
 - ii. **Email:** draperge@gmail.com (preferred contact method)
8. **Pre-requisites:** Trial Advocacy
9. **Introduction:** This course will focus on in-depth analysis, planning, and practice of preferred systems and techniques for trial advocacy in the federal system. The analytical skills to be emphasized are: (1) Integrating legal requisites with evidentiary story telling; (2) Theme development; (3) Effective opening statements; (4) Effective handling of exhibits and real evidence; (5) effective direct questioning; (6) effective cross examination; (7) Effective closing argument; (8) Vocabulary development; and (9) offering and opposing evidence.
10. **Course Objectives:** This is an advanced course offered to students who have been exposed to the basic concepts of trial advocacy theory and practice.

We hope to accomplish two goals. First, you will develop skills that will make you a better lawyer. Second, you will develop a more mature understanding of trial advocacy in terms connected to adjacent questions about learning, rationality, ethics, organizational behavior, and other fields. Specifically, this course should help you prepare persuasive presentations in a purposeful and thoughtful manner and critically evaluate outcomes and experiences.

11. **Trials:** There will be two trials during the semester. You are responsible for bringing your own witnesses to each trial. You are responsible for bringing a juror to jury selection night.

12. **Grading & Attendance:**

- a. Attendance is mandatory. Unexcused absences will reduce your grade.
- b. You will be graded every class period on your performance and preparation. You must be prepared to be the witness and examine the witness every class period in which we do direct and cross. You must be prepared to both open and close when those exercises are assigned.
- c. Grade breakdown:
 - i. Class: 20%
 - ii. Midterm Bench Trial: 30%
 - iii. Final Jury Trial: 50%

13. **Class Schedule:**

- a. **Class 1 – January 23**
 - i. Case Theory and Theme Development
- b. **Class 2 – January 30**
 - i. Opening Statements (Mauet Ch. 4)
- c. **Class 3 – February 6**
 - i. Direct Examination (Mauet Ch. 5)
- d. **Class 4 – February 13**
 - i. Cross Examination (Mauet Ch. 6)
- e. **Class 5 – February 20**
 - i. Closing Argument (Mauet Ch. 9)
- f. **Class 6 – February 27**
 - i. Experts (Mauet Ch. 8)
- g. **Midterm Bench Trial – March 4 (Saturday)**
- h. **Class 7 – March 6**

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- i. Jury Selection (Mauet Ch. 3)

- i. **Class 8 – March 20**
 - i. Pre- & Mid-Trial Motions/Procedure (Mauet Ch. 12)
 - ii. Evidence Marshalling

- j. **Class 9 – March 27**
 - i. Opening Statements
 - ii. Objections made in opening

- k. **Class 10 – April 3**
 - i. Closing Arguments
 - ii. Objections made in closing

- l. **Class 11 – April 10**
 - i. Direct Examination
 - ii. Voir Dire of experts

- m. **Class 12 – April 17**
 - i. Cross Examination
 - ii. Impeachment Techniques

- n. **Final Jury Trial – TBA**

Required notices:

Counseling and Psychological Services (CAPS)

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. www.uh.edu/caps/outreach/lets_talk.html.

Sexual Misconduct Policy

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to the University system’s Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here:

<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>

http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d7.pdf (antidiscrimination)

http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d8.pdf (sexual misconduct)

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Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.

Names and Pronouns

Chosen names and preferred pronouns (including non-binary ones such as they/them/their) must be respected in my classroom. Please feel free to reach out to me at any time if you want to make me aware of your chosen name or preferred pronoun, or if you have concerns about how I or your classmates address you.

Pronominal Preferences

I go by Professor Ware/Natalie and I use she/hers/her as my pronouns.

I go by Judge Draper/Genesis and I use she/hers/her as my pronouns.

Please reach out to us in person, by e-mail, or by phone if you have preferred pronouns you would like for us to use, or if you favor a particular prefix, like “Dr.” or “Mx.,” instead of “Mr.” or “Ms.” We’ll try our best to honor your preferences. Please attribute any lapses to failings of memory and do not feel embarrassed to correct us if we make any mistakes.

Recording of Class (required for all courses)

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Center for Students with DisABILITIES](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor’s recordings for their own studying and notetaking. Instructor’s recordings are not authorized to be shared with *anyone* without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Syllabus Changes (required for all courses)

Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible through (*specify how students will be notified of changes*).

Required Daily Health Self-Assessment (required for courses with a face-to-face component)

Your presence in class each session means that you have completed a daily self-assessment of your health/exposure and you:

- Are NOT exhibiting any [Coronavirus Symptoms](#)
- Have NOT tested positive for COVID-19

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- Have NOT knowingly been exposed to someone with COVID-19 or suspected/presumed COVID-19

If you are experiencing any COVID-19 symptoms that are not clearly related to a pre-existing medical condition, do not come to class. Please see [COVID-19 Diagnosis/Symptoms Protocols](#) for what to do if you experience symptoms and [Potential Exposure to Coronavirus](#) for what to do if you have potentially been exposed to COVID-19.