

Preface

The idea for a course like this one first hit me while I was preparing for my first jury trial 25 years ago. I had earned “A”s in Evidence and a general Trial Advocacy course at a fine law school. Why then was I spending so much of my trial preparation looking up dozens of basic evidence rules and trying to figure out how to lay the simplest foundations for evidence at trial? I vowed then that if I ever taught law I would design a course that would give third year students an intensive training in the practical application of the rules of evidence and the arts of direct and cross-examination. Twenty years ago I designed such a course and I have been tweaking and polishing the materials ever since. The 35 courtroom simulation exercises in this book are the fruits of those efforts.

I decided early on to focus the students’ training on recognizing and arguing evidentiary issues and on the preparation and presentation of direct and cross-examinations. Too many trial advocacy courses attempt to cover too many skills with the result that none are covered in sufficient depth. This course gives the students intensive training in the core skills so that by the end of the semester they have developed the habit of careful preparation and the competence and confidence to handle themselves and witnesses in the courtroom.

I designed these materials and the Teacher’s Manual with the adjunct professor in mind. This is a great course for a trial attorney or judge to teach. There are two advantages here for the adjunct professor. First, the professor will have no lectures to prepare. The course is 100% trial simulations. The instructor’s job mainly is to react to what happens during the exercises and lead the class critique of the performances. Second, the very detailed Teacher’s Manual covers every evidentiary issue clearly and succinctly.

It has been a joy teaching this course and watching the students progress from tentative, bumbling novices to more confident and skilled student litigators who begin to discover their personal courtroom strengths and styles. Any comments or suggestions for improving these materials are most welcome.

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