COURSE INFORMATION:

Section: 001 (CRN 41206)
Class times: Tuesday/Thursday 2:00 p.m. to 3:15 p.m. Room HH 1419
Instructor: John J. Schlageter, III, J.D., Esq.
E-Mail Address: John.Schlageter@.UToledo.edu
Office Hours: HHS Rm. 3017A. Tuesdays/Thursdays: 3:30 p.m.-7:00 p.m. Mondays/Wednesdays: 9:00 a.m. -11:00 a.m. *or by appointment
Office Phone: 419-530-7748

COURSE OVERVIEW/CATALOG DESCRIPTION (QM 1.2)

An in-depth survey of the trial process which exposes students to each step of a trial in a hands-on fashion. The course is taught utilizing traditional lecture, reading, and actual mock trial experience. Students will be placed on teams and assigned roles as paralegals, witnesses or attorneys. The McQuade Courtroom technology will also be introduced to students.

COURSE OBJECTIVES (QM 2.1, QM 2.5, QM 2.3).

The student will understand and be able to demonstrate competency in the aspects of trial practice and:

1. Analyze and summarize facts and apply legal precedent and the Ohio Rules of Evidence;
2. Prepare and deliver opening statements, direct and cross examinations, depositions and closing arguments;
3. Assemble a trial notebook;
4. Produce and present exhibits using trial presentation software;
5. Create and utilize trial depositions;
6. Prepare a witness for trial;
7. Practice public speaking skills;
8. Assert legal objections.
TEACHING STRATEGIES (*QM 1.2*)
This face to face course is designed to stimulate student learning through traditional delivery. In addition, at times, “homework” will be moved into the classroom so that concept engagement may take place in the classroom with the help of the instructor. The practical assignments are designed to develop paralegal job competencies.

REQUIREMENTS and PREREQUISITES (*QM 1.5*)
None.

REQUIRED TEXTS AND MATERIALS (*QM 4.3 and 4.6*)
*Trial Techniques, 8th (or current) edition by Thomas A. Mauet (Aspen Publishing).*

Wrongful Termination case in the state of Midlands (Mock Trial 2016-2017 Case Pattern)
*This case study will be provided for you.

RECOMMENDED MATERIALS (*QM 4.3 and 4.6*).
The Ohio Rules of Evidence may be found at:

TECHNICAL SKILLS (*QM 1.6*)
To succeed in this course, it may be important to possess the following technical skills:

1. Rename, delete, organize, and save files.
2. Create, edit, and format word processing and presentation documents.
3. Copy, paste, and use a URL or web address.
4. Download and install programs and plug-ins.
5. Send and receive email with attachments.
6. Locate and access information using a web search engine.
7. Use Lexis for research.

TECHNOLOGY REQUIREMENTS (*QM 6.4*)

**Browser and Internet Service**
Students need to have access to a properly functioning computer throughout the semester. High-speed Internet access is recommended.

**Use of Public Computers**
If using a public library or other public access computer, please check to ensure that you will have access for the length of time required to complete tasks and tests. A list and schedule for on-campus computer labs is available at: http://www.utoledo.edu/it/CS/Lab_hours.html. There is a computer lab on the 3rd floor of the Health and Human Services Building (Room 3003) that is available for student use.

**UT Virtual Labs**
Traditionally, on-campus labs have offered students the use of computer hardware and software they might not otherwise have access to. With UT’s Virtual Lab, students can now access virtual machines loaded with all of the software they need to be successful using nothing more than a broadband Internet connection and a web browser. The virtual lab is open 24/7 and 365 days a year at http://www.utoledo.edu/it/VLab/Index.html.

COURSE POLICIES EXPECTATIONS OF CLASSROOM BEHAVIORS (*QM 1.4*)

a. *Class Communications:* All email communication to me should be sent to my college email address, john.schlageter@utoledo.edu. In addition, in order to organize my incoming email so I can
better respond to your inquiry, use the subject line in the email to indicate the name of the class, “Advocacy: Mock Trial LGL 2700”. Furthermore, a brief description of the purpose of the email should appear after the class section name. For example, an email concerning a question about an assignment should read as follows in the subject line: “Advocacy: Mock Trial LGL 2700 -Question about assignment”. This enables me to answer your question quickly and accurately.

b. **Attendance and Missed Class:** Class attendance is required. I will take attendance at the beginning of each class. Please be punctual. If you arrive late, it is your responsibility to make sure I mark you present for that class. Time management is a crucial skill in the paralegal field. Amidst very busy schedules, courts and employers will require prompt attendance. Therefore, the student’s prompt attendance at each class is required. The student must be on time for class and remain until its completion. The student’s attendance and participation will affect his or her grade for the course.

The University of Toledo Missed Class Policy (Approved by Faculty Senate, 1/22/02; approved by Student Senate, 1/22/02)

*This policy provides for basic protections and reasonable accommodations for students who miss class with excused absences. Students are expected to attend every class meeting of courses in which they are registered. Only in specific, unavoidable situations does the University excuse absences from class: 1) personal emergencies, including, but not limited to, illness of student or of a dependent of the student [as defined by the Board of Trustees’ Policy on Family and Medical Leave], or death in the family; 2) religious observances that prevent the student from attending class; 3) participation in University-sponsored activities, approved by the appropriate University authority, such as intercollegiate athletic competitions, activities approved by academic units, including artistic performances, R.O.T.C. functions, academic field trips and special events connected with coursework; 4) government-required activities, such as military assignments, jury duty, or court appearances; and 5) any other absence that the professor approves.*

*Students are responsible for complying with the missed class policies of their instructors. Students bear the responsibility of notifying the instructor of a planned absence by one of the methods provided by the instructor. In the event of an emergency or an unavoidably short notice of absence, the student must present the instructor with an approved written excuse upon the student’s return to class. Approved written excuses will be at the instructor’s discretion, including, but not limited to, doctor’s notice, funeral programs, etc. It is strongly recommended that the student use two of the three aforementioned methods (email, writing, or voicemail) to insure that the instructor is properly notified of the planned absence. In the event that the instructor should not receive the student’s notification, the student should be prepared to present an alternative excuse. It will be at the instructor’s discretion to approve or disapprove of the alternative excuse.*

*Students are responsible for all material covered in classes they miss, even when their absences are excused as defined above. Students must make arrangements with instructors to complete missed assignments, labs, examinations or other course requirements. In turn, instructors are not to penalize students with excused absences.*

c. **Class Preparation and Participation:** The student’s preparation for each class is critically important to his or her learning experience in this course. The student’s preparation for class is also critically important to his or her training for a career where adequate and timely preparation will be expected by courts and employers. Furthermore, the student’s adequate preparation for class will enable him or her to make valuable contributions to class discussions and define questions that are raised by course materials that can then be addressed in class. Therefore, the student’s consistent and adequate preparation for class will be considered in the determination of his or her course grade.
The ability to communicate through the written and spoken word is essential to success in a paralegal career. A paralegal must be able to clearly and persuasively communicate his or her research, ideas and arguments to attorneys, clients, colleagues and courts. The student’s participation in every class is a valuable opportunity to develop those crucial communication skills.

One semester credit hour will be awarded for a minimum of 750 minutes of formalized instruction that typically requires students to work at out-of-class assignments an average of twice the amount of time as the amount of formalized instruction (1,500 minutes). It is acknowledged that formalized instruction may take place in a variety of modes. Students will be expected to work at out-of-class assignments on a regular basis which, over the length of the course, would normally average two hours of out-of-class study for each hour of formal class activity. This out-of-class study shall not be counted as part of the classroom hour for credit.

At the close of the semester, each student will be expected to give an honest, confidential assessment of each of their team member’s efforts and contributions.

d. **Work Product:** Students must collaborate with team members. However, each student is individually responsible for completing the responsibilities of his or her role assignment. Neither plagiarism nor cheating will be tolerated and will be addressed in accordance with the applicable policy of the University of Toledo. Academic Dishonesty will not be tolerated. Please read The University’s Policy Statement on Academic Dishonesty available at [http://www.utoledo.edu/dl/students/dishonesty.html](http://www.utoledo.edu/dl/students/dishonesty.html).

e. **Assignments:** Completion of all assignments is a course requirement. Unless otherwise instructed, all assignments must be typed and must follow the proper format as announced in class for the particular assignment. As in the practice of law, the student must retain his or her own copy in case something should happen to the original. Students are expected to complete and submit all assignments at the beginning of class on the date assigned as the deadline. Late assignments will not be permitted unless arrangements are discussed and approved well before the required due date. Only a severe emergency constitutes a valid excuse for submitting a late assignment. Problems with downed computers or similar issues are not valid excuses for missing deadlines in the practice of law and they will not be accepted as valid excuses for the submission of late assignments in this course. If a severe emergency that would prevent the timely submission of an assignment should arise, the student must contact the Instructor immediately in order to make alternative arrangements. The Instructor may ask for verification/documentation of the emergency. If the Instructor determines that a valid excuse did exist, the Instructor will set a new deadline for the student and there will be no penalty if the assignment is submitted before the new deadline. Ask questions as soon as possible by email or by phone if you do not understand an assignment.

f. **Trials:** The practice and graded trials will only take place at the time and location set forth above. Please mark your calendars accordingly.

g. **Cell Phones:** Cell phones must be off and out of site during class. Anyone caught using their phone without instructor permission will be asked to leave the class. Inform your instructor in advance if you are a primary caregiver or have a family emergency and need to have your cell phone on during class.

h. **Accessibility and Special needs:** Student who qualify for services approved by the Office of Accessibility are to provide documentation to the instructor the first week of classes. Students who have accessibility needs should feel free to discuss those needs with the Office of Accessibility and the Instructor in private. A student’s accessibility needs will be accommodated in accordance with university policy. Any student requiring accommodation for purposes of class or assignments must
contact the Office of Accessibility and notify the Instructor by the second class of the semester. Any student wishing to discuss such issues with the Instructor should do so privately before or after class.

The UT Learning Enhancement Center provides students with academic assistance and support. The website can be located at: http://www.utoledo.edu/success/lec/. A full range of additional student services is provided through the Office of Student Services.

i. **Statement of Diversity and Inclusion:** In concert with the University of Toledo’s values and expectations, the faculty within the College of Social Justice and Human Services upholds the tenets pledged by the University to respect and value personal uniqueness and differences. Specifically, we will actively participate in the initiatives of the University to attract and retain diverse faculty, staff, and students; to challenge stereotypes; and to promote sensitivity toward diversity and foster an environment of inclusion in all curricular and extra-curricular activities. Hence, all students enrolled in this course will be expected to:

- Be considerate of the thoughts and ideas of others
- Demonstrate accountability, integrity and honor in all course-related activities
- Promote a collaborative and supportive educational environment
- Treat every individual with kindness, dignity, and respect regardless of:
  - Gender,
  - Race/ethnicity,
  - Religion,
  - Sexual orientation,
  - Impairment(s)/Disability(ies),
  - Political views, and
  - Other element(s) of uniqueness

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### ASSIGNMENT SCHEDULE

<table>
<thead>
<tr>
<th>Class</th>
<th>Date</th>
<th>Topic</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>8/23/16</td>
<td>Introduction to Course</td>
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<tr>
<td></td>
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<td>(introduce instructor, review Syllabus)</td>
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<tr>
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<td><strong>Handout Assignment #1 (case analysis) Due date 9-1-16</strong></td>
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<td>Assign Trial Teams: Team selection of trial attorneys, witnesses (trial and deposition) and paralegals-Teams meet with instructor</td>
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<tr>
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<td></td>
<td>Assignments: Attorneys, Witnesses, and Paralegals-- Review Case Study and work on Case Analysis Questions; Review Ohio Rules of Evidence</td>
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<tr>
<td>Date</td>
<td>Lecture: Rules of Evidence/Objections: Articles 1-4</td>
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<tr>
<td>8/25/16</td>
<td>Handout Assignment #2 (evidence questions) Due date: 9-13-16</td>
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<tr>
<td></td>
<td>Assignment: Attorneys, Witnesses, and Paralegals—Work on Case Analysis Questions and Rules of Evidence Questions</td>
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<td>For Important Registration Deadlines: <a href="http://www.utoledo.edu/offices/registrar/registration_dates_fall.html">http://www.utoledo.edu/offices/registrar/registration_dates_fall.html</a></td>
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<tr>
<td>08/30/16</td>
<td>Lecture: Rules of Evidence/Objections: Articles 5-7</td>
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<tr>
<td></td>
<td>Assignment: Attorneys, Witnesses, and Paralegals-- Complete Case Analysis Questions and work on Rules of Evidence Questions</td>
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<tr>
<td>09/01/16</td>
<td>Lecture: Rules of Evidence/Objections: Articles 8-10</td>
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<td></td>
<td>Assignment: Attorneys, Witnesses, and Paralegals—Work on Rules of Evidence Questions</td>
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<tr>
<td></td>
<td>Case Analysis Assignment #1 Due</td>
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<tr>
<td>09/06/16</td>
<td>In class discussion of Mock Trial Problem- Plaintiff</td>
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<td>Assignment:</td>
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<td>Plaintiff Attorneys: Work on Rules of Evidence Questions</td>
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<td></td>
<td>Plaintiff Witnesses: Work on Rules of Evidence Questions</td>
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<tr>
<td></td>
<td>All paralegals: Work on Rules of Evidence Questions; Download presentation software; Begin assembling Trial Notebook</td>
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<tr>
<td>09/08/16</td>
<td>In class discussion of Mock Trial Problem- Defendant</td>
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<td></td>
<td>Defense teams: Assignment of attorney and witness roles</td>
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<td></td>
<td>Assignment:</td>
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<td></td>
<td>Defendant Attorneys: Work on Rules of Evidence Questions</td>
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<tr>
<td></td>
<td>Defendant Witnesses: Work on Rules of Evidence Questions</td>
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<tr>
<td></td>
<td>All paralegals: Review courtroom technology and begin summarizing witness statements</td>
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</tbody>
</table>
In Class Review of Assignment #2- Evidence Questions
Hand out trial deposition instructions

_Evidence Questions Assignment #2 Due_

Assignment:
Attorneys: Prepare draft direct examination questions for witness due 9-20-16
Witnesses: Obtain working knowledge of assigned witness affidavit
Paralegals: Begin working with presentation software; Prepare exhibits for draft direct examinations (using courtroom technology)

Team discussions pertaining to case theory, theme, strategy

Lecture – Direct Examination

Assignment:
Attorneys: Review direct examination questions with witness
Witnesses: Review direct examination questions with attorney
Paralegals: Work with presentation software; Practice presentation of exhibits during direct examinations; Insert theme into Trial Notebook
*Attorney draft direct examination questions due

In class performance of direct examinations (at least one exhibit must be used/presented by Paralegals during the direct examinations)

Assignment:
Attorneys: Prepare draft cross examination questions for witness due 9-27-16
Witnesses: Obtain working knowledge of assigned witness affidavit
Paralegals: Work with presentation software; Prepare exhibits for draft cross examinations; Insert direct examinations into trial notebooks

Lecture – Cross Examination

Assignment
Attorneys: Review cross examination questions with witness
Witnesses: Review cross examination questions with attorney
Paralegals: Work with presentation software; Practice presentation of exhibits during cross examinations; Insert cross examinations into trial notebooks
*Attorney draft cross examination questions due

In class performance of cross examinations Con’t

Assignment
Attorneys: Prepare for trial deposition
Witnesses: Prepare for trial deposition; Work on getting into character
Paralegals: Finalize trial deposition exhibits; Prepare for recording of trial deposition; Insert cross examinations into trial notebooks
10/04/16 NO CLASSES – FALL BREAK

13 10/06/16 In Class Assignment - Trial depositions
(4 depositions will occur simultaneously)

- **Attorneys:** Prepare draft opening statements - due 10-11-16
- **Witnesses:** Assist with preparation of draft opening statement - due 10-11-16
- **Paralegals:** Work with presentation software; Prepare deposition summary; Prepare deposition transcript.

14 10/11/16 Lecture- opening statements

**Assignment**
- **Attorneys:** Finalize draft opening statement
- **Witnesses:** Continue to work on getting into and staying in character on direct and cross-examinations
- **Paralegals:** Prepare deposition summary; Prepare deposition transcript; work on time-stamping deposition video.

15 10/13/16 Lecture- opening statements (con’t)
In class performance of opening statements

**Assignment**
- **Attorneys:** Prepare draft closing argument - due 10-18-16
- **Witnesses:** Continue to work on getting into and staying in character on direct and cross-examinations
- **Paralegals:** Work on time-stamping trial deposition - due 10-27-16; Insert cross examinations into trial notebooks

16. 10/18/16 Lecture –closing arguments

- **Attorneys:** Finalize draft Closing Arguments
- **Witnesses:** Continue to work on getting into and staying in character on direct and cross-examinations
- **Paralegals:** Work on time-stamping trial deposition - due 10-27-16

17. 10/20/16 Lecture –closing arguments (con’t)
In class performance of closing arguments

**Assignment:** Attorneys, Witnesses, and Paralegals:
Review rules of evidence/objections

18. 10/25/16 Team work on trial preparation

**Assignment:** Attorneys, Witnesses, and Paralegals:
Review rules of evidence/objections

19. 10/27/16 Team work on trial preparation (final drafts of opening statements, examinations, exhibits and closing arguments due)

Exchange of witness and exhibit lists for practice and graded trials
Preparation of Practice Trials-courtroom setup, etc.
### Practice Trials

*No notes are permitted for attorneys while making opening statements and closing arguments.  
*No notes permitted for witnesses while testifying on direct and cross examinations.

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/01/16</td>
<td>Practice</td>
<td>Team 1 v Team 4 (<em>Team 1 case-in-chief</em>) Teams 3 and 2 work on trial notebooks</td>
</tr>
<tr>
<td>11/03/16</td>
<td>Practice</td>
<td>Team 1 v Team 4 (<em>Team 4 case-in-chief</em>) Teams 3 and 2 work on trial notebooks</td>
</tr>
<tr>
<td>11/08/16</td>
<td>Practice</td>
<td>Team 3 v Team 2 (<em>Team 3 case-in-chief</em>) Teams 1 and 4 work on trial notebooks</td>
</tr>
<tr>
<td>11/10/16</td>
<td>Practice</td>
<td>Team 3 v Team 2 (<em>Team 2 case-in-chief</em>) Teams 1 and 4 work on trial notebooks</td>
</tr>
</tbody>
</table>

### Graded Trials

*No notes are permitted for attorneys while making opening statements and closing arguments.  
*No notes permitted for witnesses while testifying on direct and cross examinations.

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>11/15/16</td>
<td>Trial #1</td>
<td>Team 1 v Team 2 (<em>Team 1 case-in-chief</em>)</td>
</tr>
<tr>
<td>11/17/16</td>
<td>Trial #1</td>
<td>Team 1 v Team 2 (<em>Team 2 case-in-chief</em>)</td>
</tr>
<tr>
<td>11/24/16</td>
<td>NO CLASS – THANKSGIVING</td>
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<tr>
<td>11/29/16</td>
<td>Trial #2</td>
<td>Team 3 v Team 4 (<em>Team 3 case-in-chief</em>)</td>
</tr>
<tr>
<td>12/01/16</td>
<td>Trial #2</td>
<td>Team 3 v Team 4 (<em>Team 4 case-in-chief</em>)</td>
</tr>
</tbody>
</table>

**Evaluations of Team Members Due**
## ASSIGNMENTS

<table>
<thead>
<tr>
<th>Item</th>
<th>Total Available</th>
<th>What you need to do</th>
<th>My Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assignment #1 Case Analysis</td>
<td>80 points (Review Grading Rubric)</td>
<td>A perfect score is 80 If you do not turn it in by due date of 9-1-16 you earn Zero points (Place your points in My Grade).</td>
<td></td>
</tr>
<tr>
<td>Assignment #2 Ohio Rules of Evidence Analysis</td>
<td>80 points (Review Grading Rubric)</td>
<td>A perfect score is 80 If you do not turn it in by due date of 9-13-16 you earn Zero points (Place your points in My Grade).</td>
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</tr>
<tr>
<td>Draft direct exam Qs</td>
<td>Pass-fail</td>
<td>Must be turned in by due date 9-20-16</td>
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<tr>
<td>Draft cross exam Qs</td>
<td>Pass-fail</td>
<td>Must be turned in by due date 9-27-16</td>
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<tr>
<td>Trial depo Qs</td>
<td>Pass-fail</td>
<td>Must be turned in by due date 10-6-16</td>
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<tr>
<td>Draft opening statements</td>
<td>Pass-fail</td>
<td>Must be turned in by due date 10-11-16</td>
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<tr>
<td>Draft closing arguments</td>
<td>Pass-fail</td>
<td>Must be turned in by due date 10-18-16</td>
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<tr>
<td>Exhibits</td>
<td>Pass-fail</td>
<td>Must be turned in by due date 10-27-16</td>
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<tr>
<td>Trial Presentation (includes attendance/participation)</td>
<td>100 points – individual score (Review Grading Rubric pertaining to assigned role)</td>
<td>A perfect score is 80. (Place your points in My Grade).</td>
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</tr>
<tr>
<td>Trial Presentation (includes attendance/participation)</td>
<td>20 points – team score</td>
<td>A perfect score is 20. (Place your points in My Grade).</td>
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<tr>
<td>Student evaluations</td>
<td>20 points – team score</td>
<td>A perfect score is 20. (Place your points in My Grade).</td>
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<tr>
<td>Your Final Grade</td>
<td></td>
<td>Add the numbers in MY Grade. This is your final grade.</td>
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</tr>
</tbody>
</table>

### GRADE CALCULATIONS

1. Assignment #1-Case Analysis = 80 points
2. Assignment #2-Evidence questions = 80 points
3. Trial/Deposition Individual score (for attendance, participation, performance as a witness, paralegal or attorney) = 100 points
   Team score = 20 points
4. Team member evaluations = 20 points
   Total: = 300

<table>
<thead>
<tr>
<th>Grading Scale</th>
<th>Points</th>
<th>%</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>300-279</td>
<td>93-100</td>
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<tr>
<td>B</td>
<td>255-278</td>
<td>85-92</td>
</tr>
<tr>
<td>C</td>
<td>231-277</td>
<td>77-84</td>
</tr>
<tr>
<td>D</td>
<td>210-276</td>
<td>70-76</td>
</tr>
<tr>
<td>F</td>
<td>≤ 210</td>
<td>69% or less</td>
</tr>
</tbody>
</table>

THIS SYLLABUS IS SUBJECT TO CHANGE