

Cornell College

**POL 2-252 -- Principles of Advocacy
October 2007**

Thomas Melloy

Course Syllabus

Materials:

Textbook: Trial Techniques, Thomas Mauet (In the Bookstore);
Various Handouts;
Basic Trial Advocacy, Peter Murray (On Reserve in the Library)

The course will introduce students to the principles of advocacy and persuasion, and legal context in which they are applied. The structure of the course will focus on four elements. The first portion of the course will review general principles of argument and persuasion as viewed historically and in a contemporary context. The second section will address advocacy within the structure of a jury trial, looking at both the actors and the techniques employed. The third section will look at other actors on whom the principle of persuasion are applied as an adjunct to the trial process, such as an appeals court, the media or a settlement mediator. The final section will look at ethical and professional considerations that come into play in a litigation context and a brief historical overview for the development modern legal system.

The following schedule will be updated where appropriate,

Seminar Room: Merner Hall

Monday, October 1: 1:00 - Topic: Introduction

The practice of law today
The plan for the class and background to issues
in legal advocacy

Tuesday, October 2; Topic: Legal advocacy and persuasion

Reading: Mauet, Trail Techniques
Chapter II – The Psychology of Persuasion

Wednesday, October 3: Topic: Legal advocacy and persuasion

Readings: (Handouts to be distributed in class)

The Power of Talk: Who Gets Heard and Why
Aristotle's Method for Oral Argument
Persuasion 101
Ethos and the Art of Argument
Churchill's Prewar Speeches
Credibility

Thursday, October 4: Topic: The trial process; Jury selection

Readings: Mauet, Chapter I, The Trial Process
Chapter II, Jury Selection

Friday, October 5: Topic: Talking to a Jury; Evidence; Objections at Trial

Reading: (Handouts to be distributed in class)

Do's and Don't of Talking to the Jury
Jury Persuasion: New Ideas and Techniques
Object of My Objection

Mauet: Chapter X, Objections, pages 471-492

Monday, October 8: Topic: Opening Statements

Reading: Mauet, Chapter IV,

Tuesday, October 9: Topic: Direct Examination

Reading: Mauet, Chapter V

Wednesday, October 10: Topic: Cross-Examination

Reading: Mauet, Chapter VII

Thursday, October 11: Topic: Closing Arguments

Reading: Mauet, Chapter IX

Friday, October 12: Topic: Trial preparation exercises

Reading: Materials to be distributed

Monday, October 15: Topic: Trial preparation exercises

Reading: Materials to be distributed

Tuesday, October 16: Topic: Talking to the Judge and Appeals Court

Reading: *(Handouts to be distributed in class)*

Effective Appellate Advocacy

Writing Winning Briefs

“Just a Brief Writer”

Mauet: Chapter XII

Wednesday, October 17: Topic: Mediation and Alternate Dispute Resolution Processes

Reading: *(Handouts to be distributed in class)*

The Vanishing Trial

Mediation: An Old Dog with Some New Tricks

Other materials to be announced.

Thursday, October 18: Topic: The Media

Reading: *(Handouts to be distributed in class)*

The Fourth Estate and the Second Front:

Winning in the Press

Talking to the Press and Making Them Listen

Free Press and the Illusion of Prejudice

Protecting Confidential Sources

The Trials of Two Centuries: Lizzie Borden

Meets O. J. Simpson

Friday, October 19: Topic: Ethics and Issues of Professionalism

Reading: *(Handouts to be distributed in class)*

Zealous Advocacy vs. Truth

Lying Clients: An Age-Problem

What You May Not Say to the Jury

ADR Ethics

When Lawyers Lie

Excerpts from the Rules of Professional Conduct

Monday, October 22: Topic: The world that used to be.

Reading: The Timeless Litigator (Handout)
Other Readings to be announced

Tuesday, October 23: Topic: The world we live in.

Reading: Economics of Law: An Interview with
Judge Posner (Handout)
Other Readings to be announced

Wednesday, October 24: Topic: open