

Institute for Law Teaching and Learning Conference—June 2013

“The hybrid clinical course: applied trial advocacy”

UCLA Law’s year-long trial advocacy course—a hybrid of skills and clinical components—serves as the jumping-off point for this presentation. Here are the course details.

Administrative.

1. Ten units: four units in the fall; six units in the spring
2. Graded: pass/fail
3. Teaching: two full-time faculty members
4. Enrollment: twelve students

Fall semester.

5. Simulated course component
 - a. Weekly exercises based on simulated case files
 - i. Opening statements
 - ii. Direct and cross examinations
 - iii. Introducing/objecting to evidence
 - iv. Closing arguments
 - b. Culminates in full mock trial with actual judge and mock jurors

Spring semester.

6. Live-client course component
 - a. Teams of two students represent clients at administrative hearings and court trials
 - b. Cases from local public interest organizations
 - c. Accept only those cases with: (1) full evidentiary merits-hearings or trials; (2) hearing/trial dates before semester’s end; (3) at least three days to work up the case for hearing
 - d. Generally, single-plaintiff administrative employment matters meet those requirements
 - i. E.g., wage and hour hearings (i.e., unpaid overtime, missed meal breaks); unemployment insurance appeals
 - e. Generally, twelve total cases every spring semester
 - i. Each student works on two cases
 - f. Teams present their cases to entire class for feedback
 - i. “Mini law firm” dynamic

- g. At least one professor attends all interviews, trial preparation sessions, actual hearing
- h. Under professor supervision, students themselves conduct hearings
 - i. E.g., direct examinations, closing arguments, any cross-examinations

Teaching approach.

- 7. Core analytical approach drives course in both semesters
 - a. Focus *not* merely on presentation style or trial practice “rules of thumb”
 - b. For every exercise, students justify choices by reference to underlying arguments
 - c. Students must articulate each core argument in “syllogistic form”
 - i. E.g., factual premises, assumptions, and inferences connected to conclusions
 - d. Direct and cross examinations formulated to most effectively express to fact-finder client’s main arguments