

# Trial Skills



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**Legal Aid**  
**Education**

## Course Description

The Trial Skills training is a four day training co-sponsored by the American College of Trial Lawyers. It addresses five key trial skills—opening statements, evidence, direct and cross examination of lay and expert witnesses and closing statements—and alternates three basic elements throughout the four days of training:

- Large group lectures through which key points related to the trial skill are introduced;
- Small group practice in which participants are videotaped and receive feedback from faculty in the small group, and then individually, from a third faculty member, in a video playback room;
- Engaging expert faculty demonstrations.

Faculty include Fellows of the American College of Trial Lawyers, some of the most experienced and well respected trial counsel in the country. They are joined by a group of legal aid attorneys with substantial trial experience. Even these senior legal services litigators find the experience of working with the ACTL Fellows a profound professional development experience for them and they report gaining as much from the training experience as the intended learners. This experience is fundamentally different from Trial Skills training available in several states where private bar leaders organize themselves to offer the event and few, if any, legal aid counsel are directly involved in designing or conducting it. Our approach ensures that the experience is constantly grounded in legal aid practice and relevant to our culture as well as our practice.



The course uses trial simulation packages developed by the National Institute of Trial Advocacy but specially selected by CLAE for their relevance to legal services practice. Our most recent delivery featured a case involving financial exploitation of an elder by a trusted relative: an all too sad and familiar legal services case scenario. Though intense, the Trial Skills training also includes some enjoyable interludes such as watching the ACTL's "Academy Awards of the Courtroom," featuring clips from virtually every law-themed movie, from *To Kill a Mocking Bird* to *My Cousin Vinny*.

Through CLAE's partnership with the ACTL (which last year awarded CLAE its highest public service honor), we can provide a trial skills experience that offers access to some of the most exceptional faculty that the American legal profession has to offer while remaining grounded in our culture and our legal aid experience.

# Sample Agenda

## **Day One**

9:00 – 9:30	Training Overview and Introductions
9:30 – 10:00	Opening Statements Lecture
10:10 – 3:00	Opening Statements: small group practice
3:15 – 3:45	Evidence Lecture
3:45 – 5:00	Evidence: practice sessions and exhibits
5:00 – 5:15	Plenary group overview
	Homework: prepare direct and cross of lay witnesses

## **Day Two**

9:00 – 9:15	Plenary group overview
9:15 – 10:00	Direct and Cross Exam Lecture
10:10 – 11:10	Direct and Cross: witness preparation (Carmichael, Bridger, Goodman, Sgt)
11:10 – 3:30 (with break for lunch)	Direct and Cross: small group practice
3:40 – 4:30	Direct and Cross of Lay Witnesses: demo Carmichael
4:30 – 5:00	Direct and Cross of Expert Witnesses Lecture
5:00 – 5:15	Plenary group overview
	Homework: prepare expert witness examination

## **Day Three**

9:00 – 9:15	Plenary group overview
9:15 – 10:15	Direct and Cross of Expert Witnesses: preparation with faculty assistance
10:15 – 2:25 (with break for lunch)	Direct and Cross of Expert Witnesses (Dr Zephyr and Neto): small group practice
2:45 – 3:30	Direct and Cross of Expert Witnesses: demonstrations
3:30 – 4:00	Closing Statement Lecture
4:00 – 5:00	Personal Coaching sessions
5:00 – 5:15	Plenary group overview
	Homework: prepare closing argument

## **Day Four**

9:00 – 9:15	Plenary group overview
9:15 – 12:15	Closing Arguments – small group practice
1:00 – 1:30	Closing Arguments – demonstrations
1:30 – 2:15	Closing plenary

## At a Glance

**Time Frame:** 4 days

**Faculty to Student Ratio:** 1:4

### **Skills and Concepts Explored:**

- Opening Statements
- Closing Statements
- Direct and Cross Examination of Lay Witnesses
- Direct and Cross Examination of Expert Witnesses
- Introducing Evidence

### **Learning and Production Materials Provided:**

- Participant manuals
- Trainer manuals, including timed outlines and instructions for each session
- NITA developed case study packages on legal services relevant topics
- Coordinator and Lead Trainer manual (logistics)

### **Video Demonstrations and Other Media Included:**

All participant exercises are digitally videoed to memory sticks which participants keep with them throughout the training. After each practice opportunity, participants receive immediate feedback, then receive the video of their performance for later review in private with a faculty member in a video viewing room. Participants may also review these video documents privately on their own schedules.

### **ABA Civil Legal Aid Practice Standards addressed:**

**7.11-5:** Litigation; **7.11-4:** Discovery; **7.11-5:** Trial Practice

*“This was the first time I had the opportunity to practice trial skills from beginning to end and to receive such thorough and helpful feedback.”*

Kimberly Moore-Waite, Legal Aid Services of Oklahoma.