

5-27-2014

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Advocacy Teaching Blog

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Recommended Citation

Behan, Chris, "Teaching Trial Advocacy to 1Ls: The 1st STEP Experience" (2014). *Articles About GGU Law*. Paper 13.
<http://digitalcommons.law.ggu.edu/aboutggulaw/13>

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Advocacy Teaching Blog

In an adversarial legal system the quality of advocacy directly affects the outcome, and hence justice. This blog is for everyone -however they serve our legal system - who is committed to improving the teaching of advocacy skills and ethics so that parties and the community are well served by persuasive and ethical advocates.

Home



Tuesday, May 27, 2014

Teaching Trial Advocacy to 1Ls: The 1st STEP Experience

Four years ago, Wes Porter, Director of the Litigation Center at the Golden Gate University School of Law, created an innovative program to teach evidence and trial advocacy to law students in the summer between their first and second years of law school. The program, called 1st STEP (Summer Trial and Evidence Program), has garnered national attention. In 2013, the program was featured in [PreLaw Magazine's 25 Most Innovative Ideas](#) issue and in [National Jurist Magazine's article entitled *Fifteen Innovative Experimental Ideas*](#). Wes has also [written about the 1st STEP program in this blog](#). Additionally, a description and student feedback about the program is on the [GGU litigation website](#).



Classroom at Golden Gate University just before the start of the 1st STEP Immersion Week

One of the most interesting aspects of the program—at least to me—is the Immersion Week that occurs at the beginning of the course. In the Immersion Week, students undertake an intensive study of trial advocacy that includes case analysis, storytelling, theme and theory development, performance and courtroom presence skills, direct and cross examinations, opening statements, and closing arguments. To cap off the week, the students bring the case to trial. Introduced as a professional conference, Immersion Week is Monday through Friday, 9am – 5pm.

SUMMER TRIAL & EVIDENCE PROGRAM		IMMERSION WEEK (May 19-23, 2014)			
	Monday	Tuesday	Wednesday	Thursday	Friday
8:00 - 8:30	Intro to STEP 201-315 1000	Faculty & Tls Meeting (Faculty/Staff)			Student Trials
8:30 - 10:45	Story Telling & Trial Jeffrey Remondino 1000	Presentations (1st/2nd) Student Presentations Courtney (2nd/3rd) JESSIE CYNTHIA JESSIE WENDY JESSIE	Presentations (1st/2nd) Student Presentations Courtney (2nd/3rd) JESSIE CYNTHIA JESSIE WENDY JESSIE	Presentations (1st/2nd) Student Presentations Courtney (2nd/3rd) JESSIE CYNTHIA JESSIE WENDY JESSIE	All names
10:45 - 12:00	Witness Interviews & Admission/Examination Re-examination (2 sessions) M: 10:45 W: 10:45 M: 10:45 W: 10:45	Workshops (1st/2nd/3rd) Courtney (2nd/3rd) M: 10:45 W: 10:45 W: 10:45 M: 10:45 M: 10:45 W: 10:45	Workshops Courtney (2nd/3rd) (available for others) (2 sessions) M: 10:45 W: 10:45 W: 10:45 M: 10:45	Workshops (1st/2nd/3rd) Courtney (2nd/3rd) M: 10:45 W: 10:45 W: 10:45 M: 10:45 M: 10:45 W: 10:45	Classroom - 1 and All names
12:00 - 1:30	Lunch	Lunch (1st/2nd/3rd)	Lunch	Lunch (1st/2nd/3rd)	Student Trials
1:30 - 2:00	Preparation & Testimony Exercises (1st/2nd) M: 1:30 W: 1:30	Witness & Demonstrative Cross-examination JESSIE	Witness & Demonstrative Cross-examination Using (1st/2nd) JESSIE	Preparation & Testimony Exercises (1st/2nd) M: 1:30 W: 1:30	All names
2:00 - 3:30	Test Analysis Exercise JESSIE	Workshops Courtney (2nd/3rd) M: 2:00 W: 2:00 W: 2:00 M: 2:00 M: 2:00 W: 2:00	Workshops Courtney (2nd/3rd) (available for others) (2 sessions) M: 2:00 W: 2:00 W: 2:00 M: 2:00	Witness & Demonstrative Cross-examination Courtney (2nd/3rd) M: 2:00 W: 2:00 W: 2:00 M: 2:00	Witness JESSIE M: 2:00 W: 2:00 M: 2:00 W: 2:00
3:30 - 5:30	Break	Break	Break	Break	Student Trials
5:30 - 6:00	Witness & Demonstrative Cross-examination JESSIE M: 5:30 W: 5:30	Witness & Demonstrative Cross-examination JESSIE M: 5:30 W: 5:30	Witness & Demonstrative Cross-examination JESSIE M: 5:30 W: 5:30	Witness & Demonstrative Cross-examination JESSIE M: 5:30 W: 5:30	All names
6:00 -	Office hours / open practice All names	Office hours / open practice All names	Office hours / open practice All names	Office hours / open practice All names	Office hours / open practice All names

Immersion Week Schedule

To anyone who has ever taught in a NITA course or in an intensive trial advocacy course at a law school, the immersion week curriculum will seem familiar. There is, however, a twist: the students enrolled in the 1st STEP immersion week have just completed their first-year final examinations, which means that they have not yet taken evidence. Many of them have never even seen a live trial in a real courtroom. The students do not have the contextual experience of licensed attorneys in NITA courses, let alone a basic understanding of evidence that the majority of law schools consider a prerequisite (or at least a co-requisite) for the study of trial advocacy.

Does it work? I had the chance to help teach the most recent iteration of the 1st STEP's Immersion Week, and to sum up my experience in a nutshell, it works extremely well. It might seem as if Wes has put the cart before the horse in having the students prepare and try a case *before* they've had all the formal advocacy and evidence instruction contained in the syllabus. Most of us would probably park the immersion element at the *end* of the course rather than the beginning, but this is where Wes is ahead of the rest of us.

In my view, the true innovation of the immersion week is that *it provides the contextual framework to help the students understand the intensive, tethered evidence and trial advocacy class they will be taking for the next seven weeks*. Throughout the rest of the course, Wes and his team of 1st STEP faculty can refer back to the case the students prepared in the immersion week to help explain the significance of trial procedures, advocacy skills, and/or evidentiary rules and doctrines.

To briefly illustrate how this works in practice, I'll share an experience we had with this group of students. Wes developed a case file that is an evidence teacher's dream, loaded with hearsay, inadmissible evidence, missing evidence, speculation, and character evidence. The students did what anyone without knowledge of the rules of evidence would do: they constructed entire case theories on hearsay or inadmissible character evidence, then stood up and gave opening statements or closing arguments that would never have survived objection in a courtroom. We critiqued them on their trial skills, but in explaining to them why their chosen theories and themes were untenable, we also had the opportunity to briefly introduce them to evidentiary concepts that will be introduced later in the course. Wes also made evidentiary rulings throughout the week that

further curbed the evidence available at trial. When these students study hearsay or character evidence in depth, they'll be able to look back on their experience preparing for trial during the immersion week and appreciate the significance and application of these rules in a way that would not be possible without the immersion week.

I have used a similar concept for my mock trial program for the past several years. Students are eligible to try out for the team in the spring semester of their first year, and every year, a few of them make the team. I want these students to compete in the fall semester of their second year, even though most of them will not yet have completed evidence or been able to take trial advocacy. My solution has been a week-long "boot camp," very similar to 1st STEP's immersion week, but on a smaller scale. We give the students a case file at the beginning of the week. We start with case analysis, and by the end of the week, they try the case. I've found the boot camp to be tremendously successful. Most students who take the boot camp go on to do well in both their evidence and trial advocacy courses.

Until I taught in the 1st STEP program this past week, I don't think I really understood why my boot camp worked. I think there is something to this idea of throwing students into the experiential fire and letting that formative experience provide context that will help shape their subsequent doctrinal learning and skills development.

I have a couple of additional notes I'd like to make about the 1st STEP program, ideas that are worth integrating into other law school advocacy courses.

(Complete) Presentations and Group Critiques. For every skill taught during the week, we had the students give a complete performance in a few groups (9-12 students). These performances were video recorded and made available to students through Vimeo. There were no instructor critiques permitted during or immediately after individual performances. Instead, instructors were asked to give critiques to the entire group on trends in their performances. I thought this method of providing critiques worked well. No one was singled out for criticism, but everyone had the opportunity to compare their performances to the group "trend" critique.

Workshops. Following the presentations and group critiques discussed above, the students were divided into smaller "workshop" groups (5 or so students) and rotated to different faculty. The student were strongly encouraged to try something different in their presentation. In the workshop setting, instructors were encouraged to interrupt performances, coach students, model correct technique, and require re-performances. The workshop performances were not recorded. The students had already performed the same skill and received generalized feedback, but now they were able to refine their performances with greater input from the instructors. I liked this format. It seemed that the students made quick progress in skill development with the 1-2 punch provided by the group critiques followed by individualized feedback. After the class session was over, students could seek out instructors for individualized feedback from their performances and workshops.

Large Group Discussions and Demonstrations. The "lectures" for Immersion Week were informal in nature. In fact, the term "discussion and demonstration" is a more apt term to describe the

plenary sessions in which all students participated. Students were not permitted to use computers, and they were discouraged from taking notes. Wes led most of the discussions, but he also assigned this role to other faculty members for certain topics. The faculty sat together in the back of the room, and in every discussion, were invited to participate by sharing examples, agreeing or disagreeing with the discussion leader, and adding additional points for consideration. I liked this instructional method. I felt the students benefited from the more relaxed atmosphere and the variety of viewpoints presented by the faculty members with different backgrounds and teaching styles.



A discussion session led by one of the GGU trial advocacy teaching assistants.

One of the strongest group discussions was an interactive motion in limine session that Wes led the day before final trials. Students had a number of questions about how to handle issues involving some of the character and hearsay evidence mentioned above in this blog post. Wes led them through the arguments they needed to make in support of or against the appropriate motions in limine. He helped them channel their instincts about how they wanted to handle these issues into cogent arguments. Watching from the back of the room, I greatly admired his skills as a classroom teacher. Not only did he guide the substantive legal discussion, but he also worked on courtroom presentation skills, directing them to address him as the court rather than argue with each other, insisting on proper language to make a motion or argue against it, and so forth. When he felt the arguments, for and against, were complete for each issue, he made a binding ruling that applied to the trials that were scheduled for the next day.

Professional Presentations and Communication Training. Over 15 years ago, when the late Bernie Segal directed the GGU Litigation Center, he hired Harriet Scott, a theater professional, to teach professional presentation and courtroom performance skills. Harriet teaches in the 1st STEP program, and her contributions are invaluable. She leads discussions and workshops on communication skills and memorization techniques, and she also moves between performance rooms, observing students and providing feedback to both students and instructors. I've worked with Joshua Karton, who teaches similar skills, in a number of different courses, but all of them have been advanced courses aimed at attorneys with several years of practice. It's wonderful to include this type of training at the very beginning of a student's personal advocacy journey, when they have not yet developed bad habits that need to be undone. I wish we had Harriet, or Josh, or another kindred spirit with their skills, here at SIU School of Law.

Guest Students. We added another innovation to 1st STEP this year: he opened Immersion Week to students from other law schools – specifically, 8 students from 6 other law schools. He also invited several faculty members from other schools to teach in the program. In return for teaching in his program, we were allowed to bring a couple of our own students. To save expenses for the students, GGU students opened up their homes for the visitors. I brought two students who had just completed their 1L year and had successfully tried out for the trial team. I figured Immersion Week would be a great way to prepare them for next year's trial competition season. And I was right!

I expect that the next wave of top trial advocates may soon vie for a guest invite to 1st STEP's Immersion Week in San Francisco after their first year of law school.

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1st STEP Summer Trial and Evidence Program

OVERVIEW

Golden Gate University School of Law's Litigation Center presents 1st STEP Summer Trial and Evidence Program, an integrated summer litigation curriculum for students who recently completed their first year of law school. 1st STEP caters to law students who want to be trained as trial attorneys and litigators as early as possible in their legal studies. This innovative 8-week, summer program hosts an elite selection of law students interested in litigation and trial work.

Students take fully integrated courses specifically designed to improve their litigation and advocacy skills including Evidence, Trial Advocacy, and a unique Litigation Center course, Evidence in the Courtroom. The program also includes presentation and acting techniques from a career leader instructor.

SELECTION CRITERIA AND APPLICATION

Current 1L students: Applications for 1st STEP are now available in the Faculty Center, Barker Litigation Room (2214) and at www.ggulitigation.com

What students say about 1st STEP

- "I feel like professors were trying to teach me to be a lawyer. It reinforced the why I came to law school."
- "I've been assigned to my legal studies... intense, but a great practical case to continue to learn advocacy."
- "I like my schedule and proud to be a part of 1st STEP this summer."
- "Incredibly informative and confidence-building."
- "I have not since the moment we began it that anyone was getting a lot of attention - and that the professors were really invested in each of us."
- "My experience about being in law with litigation now came true."

Chris Behan at 1:16 PM

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No comments: