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1st STEP: Integrated Trial Advocacy and Evidence Class at Golden Gate University School of Law

This post is by Wes Porter of the Golden Gate University School of Law in San Francisco.

We all conceive ways to best train future litigators and trial advocates during their time in law school. Two summers ago, I listened intently to some of those ideas at Stetson's Educating Advocates Conference. If we program directors and skills professors ran the law school, we would want to: (1) teach every student the rules of evidence *our way*; (2) show our students how the rules play out in litigation and at trial *while they are learning evidence*; (3) afford more of our students the attention, critique, and training that we devote to mock trial competitors; and, (4) maximize our time working with students in skills and advocacy courses. I have thought about integrated learning models and better teaching practices in law school long before I joined the academy.

The Idea

I convinced our law school, the Golden Gate University School of Law, to allow me to create an integrated, litigation curriculum for students who recently completed their first year of law school. Our Summer Trial and Evidence Program (1st STEP) is an 8-week, summer program for selected law students - they take Evidence, Trial Advocacy, and a specially-designed course called Evidence in the Courtroom. Evidence in the Courtroom incorporates motions in limine, notice requirements, expert witnesses, and a more in depth coverage of the modes of impeachment, evidentiary foundations, and objections and responses at trial. The program also includes presentation and acting techniques from a theatre instructor.

Students began with an intense, full-time week of trial advocacy topics (Monday-Friday, 9 am - 5 pm). Faculty and practitioners lectured, demonstrated, and led advocacy, persuasion and presentation workshops. With this strong foundation, students then spent seven weeks immersed in a full, 4-unit Evidence course integrated with our advocacy training and theatre instruction. We tethered their learning and application of the rules of evidence to our skills training in every way possible. Trial lawyers inevitably claim that they truly learned evidence by understanding how evidence came to life through litigation and at trial. In 1st STEP, students continuously apply and exercise the rules and concepts taught in their Evidence course. Our program compelled our students to perform advocacy exercises incorporating the rules - *as they learned the rules*.

For example, the students learned about the business records exception to hearsay in evidence; contemporaneously, they performed exercises laying the proper evidentiary foundations to admit business records at trial and then use the exhibit to further their case theory and theme. As the students learned character evidence and Rule 404(b), the students drafted notice of intent letter to opposing counsel under Rule 404(b), filed the ensuing motion in limine, responded, argued the motion at a hearing, and drafted the court's order. While the students learned the impeachment rules in Article VI, they performed cross examinations incorporating the modes of impeachment and presented corresponding credibility arguments in summation.

The Feedback

So far, the feedback has been overwhelmingly positive. These students (affectionately called my "step kids") better understand the rules of evidence, better appreciate the role of evidence in their advocacy presentations, and demonstrate more significant improvement and development because they are, for the 8-week summer session, immersed in the topics we consider most critical to a successful advocate's foundation. And remember - the students are rising 2Ls. We have *more time* to reiterate our programmatic messages, cover advanced skills courses and topics, and contribute to their development as advocates. I will track these student through their law school careers and beyond - but I am confident that the integrated learning model in 1st STEP is the way to teach and learn the rules of evidence.

The Questions

We have many lessons learned and ways to improve 1st STEP for next summer. Many questions arose about how best to structure and execute the program. Some of the key decisions were as follows:

1. what advocacy skills would *you* cover in a full-time week with students who recently finished their first of law school and have yet to take Evidence?
2. if students took *only* Evidence and Trial Advocacy in a semester, how and in what topics would you integrate the instruction?
3. If you were permitted to run an "Evidence in trial" lab while students were taking Evidence, what exercises would you require to further their appreciation and retention of the rules?

Our Best Answers

We spent many hours planning 1st STEP and made many difficult curriculum decisions. Here is how we answered the questions:

1. We covered the fundamental trial advocacy topics in our first, full-time week: theme and theory; case analysis; persuasion; jury addresses; direct and cross examination; exhibits; and even objections (they stood up and said "Objection, basis").
2. We drew the connections between Evidence and advocacy training with: motions in limine; objections and responses (at sidebar and before the jury); evidentiary foundations for exhibits, demonstratives, and statements; modes of impeachment; notice requirements; expert testimony; and the narrower topics of judicial notice, stipulations, offers of proof, and others.
3. Our Evidence lab exercises focused on: laying evidentiary foundations; impeachment by prior inconsistent statement; refreshing recollection; notice; and motions in limine (written motions and oral argument).

I am interested in any and all thoughts - and I am happy to talk about our 1st STEP.