



**Trial Boot Camp**  
**Holiday Inn Chicago Mart Plaza River North**  
**Chicago, IL**  
**March 15–17, 2015**

## **ORIENTATION MANUAL FOR TRIAL BOOT CAMP ADVOCATES**

### Overview of the Three-Day Trial Boot Camp Program.

NELA's 2015 Trial Boot Camp will be held on Thursday, October 15–Saturday, October 17 at the Holiday Inn Chicago Mart Plaza River North. On Thursday and Friday, the program will focus on trial advocacy presentations and demonstrations, including an opening, closing, and direct and cross examinations interspersed with Skill Building Workshops on each topic. Time is also allocated on Thursday and Friday for “Trial Team Huddles” to provide all Trial Boot Camp participants the opportunity to discuss the topics presented during the day in smaller groups and prepare for the Mock Trials. Saturday's program is devoted to two Mock Trials. The dress code is business casual for Thursday and Friday. Team Leaders and Advocates are requested to dress in appropriate courtroom attire on Saturday for the Mock Trials. Power sources for laptops and other electronic devices will not be readily available for everyone in the meeting rooms. Please bring chargers and make sure to charge your devices in your hotel rooms. Also note that on Saturday afternoon, the program will run from 1:00 to 5:30 without a break. You may want to have power bars or snacks in your bags for flagging energy levels.

### Overview of Case File.

You must review and be familiar with the case file, which is derived from a real age discrimination and retaliation case. The case file contains a complaint and answer, a final pretrial order, four deposition transcripts with exhibits, and jury instructions. This is the entire universe of case materials for the Skill Building Workshops and Mock Trials. The case file may be downloaded [here](#).

### Overview of Trial Teams.

You have been assigned to a Trial Team of four Advocates who have been grouped together based on their trial experience. You will work with this Team during all three days of the Boot Camp. The contact information for your Trial Team and Team Leader(s), if any, is shown on the spreadsheet of Trial Boot Camp Advocates that has been provided to you.

Each Trial Team will have the opportunity to play the plaintiff's lawyers and witnesses in one Mock Trial, and the defense lawyers and witnesses in the other Mock Trial. Specifically, during one of the Mock Trials, your Trial Team will serve as the plaintiff's lawyers, and will put on the plaintiff's case using the two plaintiff's witnesses, so all four Advocates will be involved in the trial — two as lawyers and two as witnesses. Your Trial Team will be matched against a defense Trial Team with two defense lawyers and their two witnesses. The attached chart (Exhibit A) depicts the roles each Trial Team will play for "Mock Trial I" (Saturday morning) and "Mock Trial II" (Saturday afternoon). Note that roles will rotate between the two Mock Trials. Thus, Advocates will have to work up both a strong plaintiff and defense case with the same set of facts. The Skill Building Workshops provide an opportunity for Advocates to take on different roles than those they will be performing during the Mock Trials.

### Overview of the Mock Trials.

Each Mock Trial will last three hours or 180 minutes. Each team, that is the plaintiff's team and the defense team, will be allowed 90 minutes total for their presentations. During the Mock Trials, each side will present an opening statement; then the plaintiff's team will present two witnesses on direct examination and they will be cross examined by the two defense lawyers. At the close of the plaintiff's case the defense will then put on their case, which will also consist of the direct examination and cross examination of two defense witnesses. The two sides will then present closing arguments. While it is up to the Trial Team to allocate the 90 minutes among the opening, closing, and direct and cross examinations, in general they should prepare for approximately 15 minutes for each activity. After the trial, there will be feedback and discussion by all participants, including the Trial Team Leaders and Trial Boot Campers.

For "Mock Trial II" on Saturday afternoon, your Team and the opposing Trial Team will switch sides and the two members of the teams who did not present as lawyers for "Mock Trial I" on Saturday morning will be the lawyers in the second trial. Those who played the lawyers in the morning session will then become the witnesses in the afternoon session and another three-hour trial will be presented, followed by additional feedback and discussion. Advocates acting as witnesses are instructed not to be overly combative because it distracts from the educational value of the Mock Trials.

The Mock Trials will focus on liability issues only. Advocates will not be arguing damages, given time constraints. It is also important to remember that Advocates will be evaluated based on their trial advocacy skills and not their knowledge of the substantive law of employment discrimination (so don't get bogged down with the law!).

Advocates will not argue motions *in limine*. We are not going to do that given the time constraints for the Mock Trials. Nor will Advocates go through the formal process of admitting every trial exhibit. To conserve time, each Advocate should seek to have the first exhibit they want to introduce admitted through a formal offer (foundation, offer, objection, ruling), so that each Advocate has the experience of going through this process one time. After that, the Advocate can assume that the parties have stipulated to the admission of the other exhibits. Exhibits will need to be printed for this purpose.

Each Trial Team should print one paper copy of the deposition transcripts to use for impeachment purposes at the Mock Trials. Do not rely on electronic versions, because not everyone will have laptops or electronic tablets.

Advocates cannot call adverse witnesses as part of their cases in chief in the Mock Trials. In other words, plaintiff's counsel can only call the plaintiff and his friendly witness. Defense counsel can only call the company representatives. Of course, plaintiff's counsel should cross examine the defense witnesses and defense counsel will cross the plaintiff and his friendly witness.

Advocates may make objections, though not too many and only those that are important. No electronic evidence is allowed. Easels, markers, and butcher paper pads will be provided in the courtrooms for the Trial Teams to use to make demonstratives. Advocates also should assume that the judges and evaluators have exhibit notebooks. The Trial Teams must use only the jury instructions provided even though they may not be accurate for all jurisdictions.

One Team Leader at each Mock Trial will serve as the presiding judge, ruling on objections, and evaluating as well. A second Team Leader will keep track of time and also

evaluate. The Boot Camp Score and Critique forms are attached as Exhibits B and C respectively. It is recommended that the Team Leaders and Advocates wear appropriate courtroom attire. The Team Leaders and Advocates should conduct themselves as professionals and maintain proper courtroom demeanor and civility.

#### Working with Your Trial Teams.

We want the Trial Boot Camp to be as productive and valuable as possible for the participants. Advance preparation with your Trial Team is essential before you arrive for the Boot Camp. You should have one or more planning calls with your Trial Team and Team Leaders starting no later than two weeks before the Boot Camp, so that the Advocates can begin preparing for the Mock Trials.

You should determine in your initial planning call with your Trial Team which of the roles described above each Advocate will play. Get the roles established early so people can become familiar with them and the facts. Advocates should decide who is doing the opening and closing and which witnesses each will take on direct and cross exam. This way they are responsible for planning and performing just four major activities: an opening or closing; one direct and one cross examination; and giving witness testimony. This also will provide the lawyers and direct exam witnesses an opportunity to coordinate. Trial Teams should discuss the overall trial theme(s) and how to divide up the Mock Trial time of 90 minutes per side.

On Thursday and Friday, there are two scheduled “Team Huddles.” During these Huddles, the Advocates and Campers will meet with their designated Trial Teams and Trial Team Leaders to discuss the techniques and pointers learned from the presentations and to work on honing the openings, closings, and witness examinations for the Mock Trials.

## **TRIAL TEAM ROLES & ROTATION**

### **MOCK TRIAL I IN THE MORNING**

	<u>Team I</u>		<u>Team II</u>
Karen M.	Plaintiff's lawyer Opening Direct of Plaintiff's witness Cross of Defendant's witness	Julie S.	Defendant's lawyer Opening Direct of Defendant's witness Cross of Plaintiff's witness
Carmen C.	Plaintiff's lawyer Direct of Plaintiff's witness Cross of Defendant's witness Closing	Pedro V.	Defendant's lawyer Direct of Defendant's witness Cross of Plaintiff's witness Closing
Colleen G.	Plaintiff witness	Nareeya N.	Defendant witness
Leah H.	Plaintiff witness	Teri C.	Defendant witness

### **MOCK TRIAL II IN THE AFTERNOON**

	<u>Team I</u>		<u>Team II</u>
Leah H.	Defendant's lawyer Opening Direct of Defendant's witness Cross of Plaintiff's witness	Teri C.	Plaintiff's lawyer Opening Direct of Plaintiff's witness Cross of Defendant's witness
Colleen G.	Defendant's lawyer Direct of Defendant's witness Cross of Plaintiff's witness Closing	Nareeya N.	Plaintiff's lawyer Direct of Plaintiff's witness Cross of Defendant's witness Closing
Karen M.	Defendant witness	Pedro V.	Plaintiff witness
Carmen C.	Defendant's witness	Julie S.	Plaintiff witness

**SCORE FORM**

<i>Plaintiff</i>	<i>v.</i>	<i>Defendant</i>
<b>Mock Trial No.</b> _____		
<b>Name of Trial Team Leader:</b> _____		
<b>Points for Plaintiff's Counsel</b>	<b>Phase</b>	<b>Points for Defendant's Counsel</b>
	<b>Opening Statement</b> (Total of 15 Points Possible for Each Team)	
	<b>Direct Examination of Plaintiff Witness No. 1</b> (Total of 15 Points Possible for Plaintiff)	N/A
N/A	<b>Cross-Examination of Plaintiff Witness No.1</b> (Total of 15 Points Possible for Defendant)	
	<b>Direct Examination of Plaintiff Witness No. 2</b> (Total of 15 Points Possible for Plaintiff)	N/A
N/A	<b>Cross-Examination of Plaintiff Witness No.2</b> (Total of 15 Points Possible for Defendant)	
N/A	<b>Direct Examination of Defendant Witness No. 1</b> (Total of 15 Points Possible for Defendant)	
	<b>Cross-Examination of Defendant Witness No. 1</b> (Total of 15 Points Possible for Plaintiff)	N/A
N/A	<b>Direct Examination of Defendant Witness No.2</b> (Total of 15 Points Possible for Defendant)	
	<b>Cross-Examination of Defendant Witness No. 2</b> (Total of 15 Points Possible for Plaintiff)	N/A
	<b>Closing Argument</b> (Total of 15 Points Possible for Each Team)	
	<b>Professionalism &amp; Courtroom Demeanor</b> (Total of 10 Points Possible for Each Team)	
	<b>Total Points</b> (Total of 100 Points Possible for Each Team)	
<i>Plaintiff</i>	<b>Winning Team</b> (Please Circle One; Ties are Not Permitted)	<i>Defendant</i>
<b>Team Leader's Signature:</b>		<b>Date:</b>

