



EXPERIENCE • EXPANSION • EXCELLENCE



STEPHEN S. WEINSTEIN
TRIAL ADVOCACY PROGRAM

YEAR IN REVIEW

LAW
WASHINGTON COLLEGE OF LAW
AMERICAN UNIVERSITY



The nationally recognized Stephen S. Weinstein Trial Advocacy Program at American University Washington College of Law (WCL) exemplifies our commitment to ensuring that students enter the legal community prepared with solid trial litigation skills.

WCL offers students a multifaceted approach to experiential learning through learning-by-doing litigation courses, access to advanced courtroom technology, opportunities to participate in advocacy competitions, numerous clinical programs, and extensive externship opportunities in the Washington, D.C. area.

WCL wishes to acknowledge with gratitude the recent generous gift of Stephen S. Weinstein '65, a distinguished trial litigator and past participant of the Trial Advocacy Program who serves as a role model for law students and exemplifies commitment to our community. In the past year, we expanded the Trial Advocacy Program due in part to Stephen S. Weinstein's continued support.

The extensive renovation of the Weinstein Courtroom now features cutting-edge litigation technology. We continue to increase our experienced and diverse faculty to add additional sections of Trial Advocacy Program courses. WCL's student trial teams have been more successful than ever in national and international competitions.

In 2009, the Trial Advocacy Program hosted the inaugural Capitol City Challenge, an innovative, national interschool mock trial competition. With the help of alumni, faculty, and students, this competition will continue to be a success in the years to come.

The Program's administration and faculty are dedicated to strengthening experiential learning and education in trial advocacy. For more information on the Trial Advocacy Program, please visit WCL's web site at www.wcl.american.edu/trial.

A handwritten signature in black ink, appearing to read 'CG', written in a cursive style.

Claudio Grossman, Dean

Trial Advocacy Program Overview

WCL's Trial Advocacy Program has been offering trial advocacy courses for more than 60 years. During the 2008-2009 academic year, a record 294 law students enrolled in 23 sections of six different Trial Advocacy Program courses. We continue our commitment to a learning-by-doing format, which emphasizes basic skills training, development of case theory and themes, analysis of strategies, and professional ethics.

A distinctive feature of the Trial Advocacy Program is its tradition of preparing women law students to become trial lawyers. More than half of the students taking Trial Advocacy Program courses in the 2008-2009 academic year were women. WCL was founded in 1896 by two women, Ellen Spencer Mussey and Emma M. Gillett, who established a co-educational school to ensure that women would have the opportunity to study law. From 1950 through 2009, 40 of the 104 recipients of the Mooers Trophy, awarded annually to the outstanding student(s) in the Trial Advocacy Program, were women.

The courses offered by the Trial Advocacy Program use the methodology of a controlled simulation clinic. Each course blends theory with practice, recognizing that effective legal advocacy requires understanding the psychology of

persuasion and development of a strong case theory. In 2008-2009, the courses offered were: Criminal Trial Advocacy; Civil Trial Advocacy; Pretrial Civil Litigation; a first year elective in Pretrial Civil Litigation; Evidentiary Foundations and Objections; and Litigating in the High Tech Courtroom. Each small-size section of these courses is taught by two instructors, typically a judge and an experienced practitioner.

As the final examination each semester, student attorneys in Criminal and Civil Trial Advocacy presented full-day trials at the Judicial Center in Montgomery County, Maryland. Judges from the Program's adjunct faculty presided, and over 150 local high school students served as jurors in one of seven trials each semester. The jurors listened to opening statements, witness testimony, and closing arguments. After receiving instructions on the law by faculty judges, the jurors deliberated, rendered verdicts, and provided feedback to the law students. American University graduate journalism students covered the final trials as news reporters, interviewed the law students "in character," and prepared "news articles" on the trials. The law students experienced interacting with the media and applying ethical rules they studied during the semester.



Full-Time Faculty Teaching Trial Advocacy Related Courses

www.wcl.american.edu/faculty



David E. Aaronson, Director
 Professor of Law and B.J. Tenney Scholar; teaches *Criminal and Civil Trial Advocacy*, *Criminal Procedure*, and *Evidence*, and coaches mock trial teams. BA, MA, Ph.D. (economics), George Washington University; LL.B., Harvard Law School; LL.M., Georgetown University Law Center (E. Barrett Prettyman Fellow in criminal trial advocacy).



Elizabeth I. Boals, Assistant Director
 Chair, Faculty Mock Trial and Moot Court Committee; teaches *Criminal and Civil Trial Advocacy*, *Pretrial Litigation*, *Evidentiary Foundations and Objections*, and *Criminal Procedure*, and coaches mock trial teams. BS, Virginia Polytechnic Institute and State University; JD, George Mason University School of Law.

John (Bernie) Corr, teaches *Complex Civil Litigation* and *Conflicts of Law*. JD, Georgetown University Law Center.

Angela J. Davis, teaches *Criminal Law and Procedure*, *Advanced Criminal Procedure* (criminal defense) and coaches mock trial teams. JD, Harvard Law School.

Robert D. Dinerstein, Director, Disability Rights Law Clinic; teaches *Lawyering Skills* and clinical courses. JD, Yale Law School.

Cynthia E. Jones, teaches *Criminal Law*, *Criminal Procedure*, *Evidence*, and coaches mock trial teams. JD, Washington College of Law.

Horacio Grigera Naón, Director, International Commercial Arbitration Program; teaches *International Commercial Arbitration*. JD, School of Law of the University of Buenos Aires; LL.M., Harvard Law School.

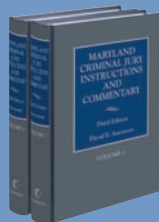
Andrew F. Popper, teaches *Government Litigation Seminar*. JD, DePaul University School of Law; LL.M., George Washington University National Law Center.

Michael E. Tigar, Director, UNROW Human Rights Impact Litigation Clinic; teaches *Litigation* and *Creative Case Theory*. JD, University of California at Berkeley.

Richard J. Wilson, Director, International Human Rights Law Clinic; teaches *International Law* and *Litigation*. JD, University of Illinois College of Law.

RECENT TRIAL ADVOCACY RELATED FACULTY PUBLICATIONS

Maryland Criminal Jury Instructions and Commentary, Third Edition (2 vols. with CD-Rom; LexisNexis, 2009) by David E. Aaronson



A collection of over 260 pattern criminal jury instructions and a treatise on Maryland criminal law. Comprehensive coverage of crimes, defenses, and evaluation of evidence. Includes topics such as the death penalty, insanity defense, self-defense; battered spouse syndrome, and cross-racial misidentification.

Trial Advocacy Stories (Foundation Press, 2007) co-edited by Angela J. Davis and Michael E. Tigar



Trial Advocacy Stories details how advocates construct trial stories with evidence. Chapters include famous trials, such as the O.J. Simpson trial, the Vioxx liability trials, the Terry Nichols Oklahoma City bombing case, Leopold and Loeb, and Aaron Burr. Professors Tigar and Davis also contributed chapters to this work.

Trial Advocacy Program Adjunct Teaching Faculty

www.wcl.american.edu/trial

Judges

Judge Michael J. Algeo, Circuit Court, Montgomery County, Maryland

Chief Judge DeLawrence Beard, (*retired*), Circuit Court, Montgomery County, Maryland

Judge William M. Cave, (*retired*), Circuit Court, Montgomery County, Maryland

Judge Erik P. Christian, Superior Court, District of Columbia

Judge Charles B. Day, Magistrate, United States District Court, Maryland

Chief Judge Eugene N. Hamilton, (*retired*), Superior Court, District of Columbia

Judge Stephen P. Johnson, District Court, Montgomery County, Maryland

Judge Michael D. Mason, Circuit Court, Montgomery County, Maryland

Judge Irma S. Raker, (*retired*), Court of Appeals, Maryland

Judge Nelson W. Rupp, Jr., Circuit Court, Montgomery County, Maryland

Judge Patrick L. Woodward, Court of Special Appeals, Maryland

Practitioners

Philip C. Andonian, Esq., Public Defender Service, District of Columbia

H. Kenneth Armstrong, Esq., Armstrong, Donohue, Ceppos & Vaughan, Chartered

Roy L. Austin, Jr., Esq., U.S. Attorney's Office, District of Columbia

Mark L. Austrian, Esq., Kelley Drye Collier Shannon Scott, LLP

Michael P. Bruckheim, Esq., Office of the Attorney General, District of Columbia

Audrey A. Creighton, Esq., Office of the Public Defender, Maryland

Jonathan L. Fahey, Esq., U.S. Attorney's Office, Eastern District of Virginia

Bruce A. Fredrickson, Esq., Webster, Fredrickson, Correia & Puth, PLLC

Douglas F. Gansler, Esq., Attorney General, Maryland

Mark A. Gilday, Esq., Bregman, Berbert, Schwartz & Gilday LLC

Barry H. Helfand, Esq., Barry H. Helfand, PA

John F. Karl, Esq., McDonald & Karl

James K. Lay, Esq., Lay, Moore & Poretz, PLLC

Nicole V. Lehtman, Esq., U.S. Department of Justice

Paul A. Morella, AEA, MFA, Professional Actor

Steven M. Pavsner, Esq., Joseph, Greenwald & Laake, PA

Peter R. Sherman, Esq., (*retired*), Sherman, Meehan, Curtin & Ain, PC

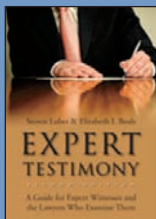
Paul T. Stein, Esq., Stein Sperling, PC

Katherine Winfree, Esq., Chief Deputy Attorney General, Maryland

Detective William A. Xanten, III, Metropolitan Police Department, District of Columbia

Expert Testimony, Second Edition

(*NITA, 2009*) co-authored by Steven Lubet and Elizabeth I. Boals

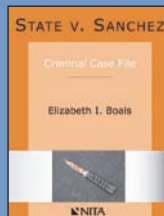


An updated and expanded edition of the original book by Steven Lubet, director of the Bartlit Center on Trial Strategy at Northwestern University School of Law.

This work analyzes the process of providing expert reports and testimony in litigation, including the presentation of expert testimony in the digital age.

CASE FILES: State v. Sanchez

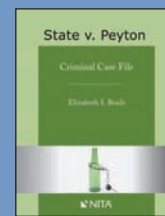
(*NITA, 2008*) by Elizabeth I. Boals



State v. Sanchez is the first NITA case file for trial of a criminal case under a modern anti-gang statute. Users of the file consider issues such as racial bias, self-defense,

lesser included offenses, and the use of medical and "gang behavior" experts.

State v. Peyton (*forthcoming NITA, 2009*) by Elizabeth I. Boals



State v. Peyton is a criminal case involving driving under the influence of alcohol and felonious hit and run. Users of the case file consider criminal trial issues including medical

expert testimony, character evidence, criminal conviction impeachment, bias impeachment, and prior recorded testimony.

Stephen S. Weinstein Courtroom

www.wcl.american.edu/trial

An extensive renovation of the Stephen S. Weinstein Courtroom was completed in September 2008. The fully integrated facility features state-of-the-art courtroom technology with a new jury deliberation room.

The courtroom technology includes the latest in evidence presentation and audio-visual recording equipment. The courtroom is equipped with interactive screens in the jury box, on the counsel tables, witness stand, and judge's bench as well as large rotating screens in the courtroom well. The screens are integrated to permit the selective viewing of exhibits, and an ELMO is built into the counsel podium to permit student counsel to seamlessly present physical and documentary evidence to the jury.

Directional cameras in the courtroom and jury deliberation room allow for immediate playback in the courtroom as well as web casting. Students may obtain a webcast of their performances for their own review and to showcase their advocacy skills to prospective employers.



Trial Advocacy Program Director David Aaronson, Dean Claudio Grossman, and Stephen S. Weinstein '65

"The Weinstein Courtroom provides valuable space for trial advocacy classes and mock trial team practices. As WCL students, we are extremely fortunate to utilize the latest in courtroom technology as we prepare to be litigators."

Megan McCarthy, *President, WCL Mock Trial Honor Society*



Capitol City Challenge National Mock Trial Competition

www.wcl.american.edu/go/ccc

The Stephen S. Weinstein Trial Advocacy Program and WCL Mock Trial Honor Society hosted the inaugural Capitol City Challenge Mock Trial Competition at the District of Columbia Superior Court, on March 28 and 29, 2009.

The competition, in keeping with WCL's strong commitment to experiential and experimental learning, exposes participants to the dynamics of trial advocacy in a 21st century courtroom. Modern trial advocacy has become more dependent on technology, and law students are learning to integrate the use of this technology to prepare and present their cases. Unlike many existing competitions, the Capitol City Challenge facilitates the creative use of technology in the presentation of trial materials.

The competitors were evaluated and critiqued by approximately 50 experienced federal and state prosecutors, public defenders, and private practice defense attorneys. The judges for the final round were: Judge Eugene N. Hamilton, former Chief Judge of the District of Columbia Superior Court and a Trial Advocacy Program adjunct professor; Judge Ronald Haskell, WCL alumnus and Pennsylvania district judge; Katherine Winfree, Maryland's Deputy Attorney General and Trial Advocacy Program adjunct professor; and Stephanie Brenowitz, Assistant U.S. Attorney and Legal Rhetoric Program adjunct professor.

Temple University School of Law defeated Georgetown University Law Center in the final round. The "Best Advocate" award was presented to Jon Bourdon from Catholic University.

"From the very outset, my students... and coaches raved about how well the tournament was administered, the eclectic array of teams you fielded, and the overall display of good sportsmanship."

Eddie Ohlbaum, Director, Temple University Law School Trial Advocacy Program



Competition administrators: WCL Professors David Aaronson and Elizabeth Boals with Competition Director Karl Pilger, Megan McCarthy '10, and William Shiffman '09



Competition Director Karl Pilger awards the crystal bowl to students from Temple University School of Law

Mock Trial Honor Society

www.wcl.american.edu/org/mocktrial

The Mock Trial Honor Society (MTHS) strives to empower students to become capable trial advocates. Through national, regional, and intraschool competitions, MTHS members acquire experience and gain proficiency in trial skills. Members of the MTHS are selected through an abbreviated trial competition each spring and earn the opportunity to be placed on the highly selective national trial teams.

Every Spring the Mock Trial Honor Society hosts the First Year Mock Trial Competition. First Year WCL students gain valuable experience by participating in this closing argument competition.

Alternative Dispute Resolution Society

www.wcl.american.edu/org/adr

The Alternate Dispute Resolution Society (ADR) promotes student and community interest in mediation and other forms of alternative dispute resolution.

In spring 2008, WCL hosted the ABA Regional Representation in Mediation Competition. This competition assesses how well students prepare and represent a client during a mock mediation session. WCL students won the regional competition and advanced to the national competition.



Karen Curtis, winner of the WCL 2009 First Year Mock Trial Competition

Mock Trial Successes 2008-2009

San Diego Defense Lawyers Mock Trial Competition — *Winner*

Buffalo-Niagara Mock Trial Competition — *Quarterfinalists*

American Bar Association (ABA) Labor & Employment Trial Advocacy Competition — *Semifinalists*

American Association for Justice (AAJ) Mock Trial Competition — *Fifth Place*

Texas Young Lawyers Association (TYLA) National Trial Competition (NTC) — *Regional Winner*



WCL students Greg Eichelman '10, Aliza Pescovitz '09, Elicia Ford '10, and Justin Teres '09, winners of the 2008 San Diego Defense Lawyers Mock Trial Competition

Moot Court Honor Society

www.wcl.american.edu/org/mootcourt

The WCL Moot Court Honor Society (MCHS) sponsors a wide range of activities that offer students opportunities to enhance appellate advocacy and brief-writing skills. MCHS trains WCL students to successfully compete in national appellate advocacy competitions.

Each year the MCHS sponsors the national Burton D. Wechsler Foundation First Amendment Competition attracting teams from over 30 law schools. It also hosts and administers the National High School Moot Court Tournament, the only such competition in the country.

Each spring, the MCHS sponsors the Alvina Reckman-Myers First Year Moot Court Competition, an oral argument competition open to first year WCL students. The 2009 winners were John Siadak for Best Petitioner and Chris Datskos for Best Respondent.



Mallori Browne '09, Michael McMaster '10, and Nick Manzione '09 were octofinalists in the ABA National Appellate Advocacy Competition



Moot Court Successes 2008-2009

Philip C. Jessup International Moot Court Competition —
Regional Semifinalists
Regional Award for Best Oralist
Seventh Place Memorial

William B. Spong Constitutional Law Moot Court Competition —
Quarterfinalists
Best Respondent's Brief

NYU Immigration Law Moot Court Competition —
Quarterfinalists
Best Brief

Niagara International Moot Court Competition —
Semifinalists
Best Oralist

J. Braxton-Craven Memorial Constitutional Law Moot Court Competition —
Octofinalists

ABA National Appellate Advocacy Competition —
Team A:
Regional: *Winner*
Third Place Brief
Best Oralist
National: *Octofinalists*
Fifth Place Brief

Team B:
Regional: *Quarterfinalists*
Third Place Brief

Irving R. Kaufman Securities Law Competition —
Quarterfinalists
Third Best Respondent's Brief

American Constitution Society's Constance Baker Motley Moot Court Competition —
Second Best Brief

Center on International Commercial Arbitration

www.wcl.american.edu/arbitration

In 2009, WCL established the Center on International Commercial Arbitration. The Center's purpose is to provide a high level academic forum for exchanging ideas on current developments and emerging issues and to attract law students and practitioners from the United States and abroad.

The program also hosts other events, including the Annual Lecture on International Commercial Arbitration and the Annual Seminar on International Commercial Arbitration. Additionally, the program supports WCL's ADR and Moot Court Honor Society students in international competitions related to commercial arbitration.

The Center will enhance WCL's ability to enter into partnerships and educational agreements with commercial arbitration programs in other countries.

"Practitioners and students will benefit from the Center's scope and capacity to develop, implement, and institutionalize a more comprehensive range of innovative course and experiential offerings."

Horacio Grigera A. Naón, *Center Director and former Secretary General of the International Court of Arbitration of the International Chamber of Commerce*

Willem C. Vis International Commercial Arbitration Moot

In April 2009, a team of students represented WCL at the 16th Annual Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria. The team received an honorable mention for Best Claimant's Brief. Approximately 20 teams out of 233 received honorable mentions for each brief, placing WCL within the top 15 percent of teams for the Claimant's brief.

WCL first participated in this competition in March 2008 when WCL advanced to the elimination rounds. Jay Hess '10 won third place in the Individual Oralist category, from among over 1,000 students who participated.



Clinical Program

www.wcl.american.edu/clinic

One of the distinguishing characteristics of the WCL's nationally recognized Clinical Program is its client-centered approach to client representation. Each of the clinics stresses the importance of client voice and narrative in teaching case and client theory. The narrative that will be told at trial must be considered in connection with the personal circumstances of the individual client. This client-centered approach to litigation emphasizes the importance of strategy and tactics in counseling clients about the various options available.

The WCL Clinical Program faculty teaches trial advocacy both in the context of seminar courses and in faculty supervised case rounds where students represent actual clients in court appearances, administrative hearings, and other advocacy settings. In order for students to be prepared to represent real clients, they must study not only the law "on the books," but also the law "in action." Many WCL students use the skills they learn in the Trial Advocacy courses to represent actual clients in the clinical setting.

WCL Externship Program

www.wcl.american.edu/externship

Studying law in Washington, D.C. provides numerous opportunities to obtain on-the-job experience through externships with government agencies, courts, not-for-profit organizations, and law firms engaged in pro bono work. These organizations benefit from the legal services provided by the law students. The WCL Externship Program places hundreds of students each year in these externships.

Law students receive academic credit for performing substantive legal work under the supervision of an attorney. Students are required to enroll in externship seminars taught by full-time faculty and adjunct professors with specialized practice experience.

Students interested in obtaining trial experience can search the Externship Field Placement Database by keyword to find employers with practices that include litigation. Past employer participants include federal and state prosecutors' and public defenders' offices in Washington, D.C. and adjacent counties in Virginia and Maryland, litigation sections of most government agencies, not-for-profit organizations involved in cutting edge litigation, and private law firms representing pro bono clients.



THE WASHINGTON METROPOLITAN AREA IS A GREAT PLACE TO LEARN THE PRACTICE OF LAW

WCL is located in the nation's capital, yet it is still close to major suburban centers in Maryland and Virginia. This rich and diverse location gives WCL students countless opportunities to experience the law before entering into practice.



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WASHINGTON, DC

WASHINGTON COLLEGE of LAW

Trial Advocacy Program

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Washington, DC 20016

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Stephen S. Weinstein

PROGRAM BENEFACTOR

The Program has benefited extensively from the generous gift of Stephen S. Weinstein '65. In the past two years, WCL fully renovated the Weinstein Mock Trial Courtroom, equipping it with cutting-edge technology and a dynamic courtroom configuration. Weinstein's contribution has also enabled the Program to host conferences and lectures to explore current issues relating to the theory and practice of trial advocacy and to expand trial advocacy opportunities for WCL students.

STEPHEN S. WEINSTEIN TRIAL ADVOCACY PROGRAM

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