

University of Florida Levin College of Law
COURSE SYLLABUS: TRIAL PRACTICE (Section B)
LAW 6363 (19490) - 3 credits S/U
Spring 2026

INSTRUCTOR'S CONTACT INFORMATION:

Sarah H. Wolking

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Office hours: Thursdays from 1:30 to 3:30 p.m. If this time doesn't work for you, please contact me to arrange a different meeting time. Students should feel free to reach out to me anytime to discuss legal issues or ask questions. You can email, text, call, or stop by my office.

Teaching Assistants:

Cooper Whisnant

Talha Pala

MEETING TIMES AND LOCATIONS:

Classroom location: MLAC 106 (Morgan & Morgan Courtroom)

This course will meet on the following dates and times:

Mondays from 6:30 PM – 7:25 PM (Lectures)

Thursdays from 10:00 AM – 12:00 PM (Section workshop)

Note that we will have an extended Monday night class (6:30 PM – 9:30 PM) on these dates: 3/23, 3/30, and 4/6. We will not have our Thursday class during those weeks.

MANDATORY FINAL TRIALS:

Round 1: 4/17 and 4/18

Round 2: 4/24 and 4/25

-All students must be present for each day of the final trials, even if not presenting-

COURSE DESCRIPTION AND OBJECTIVES:

This course covers trial procedures and advocacy techniques, including jury selection, opening statements, direct examinations, cross-examinations, objections, and other motion practices, preservation of error, closing arguments, and proper courtroom demeanor. Using realistic fact patterns and full trial assignments, students will learn through hands-on experience.

The goal of this course is to develop strong entry-level courtroom skills along with an understanding of how to effectively prepare for trial and use persuasive advocacy techniques. These skills include clear communication, effective advocacy at each stage of a trial, making and responding to objections, raising and addressing other issues through motions, and properly preserving errors. Students gain the knowledge and skills needed for successful trial advocacy through a combination of studying, observing, discussing, and (most importantly) participating in mock trial exercises, with helpful critique and feedback.

STUDENT LEARNING OUTCOMES:

At the conclusion of this course, students should be able to:

- Demonstrate strong courtroom communication skills;
- Understand the structure and function of each part of a trial;
- Exhibit good advocacy skills and technique;
- Capably make and meet objections;
- Analyze and prepare a case for trial; and
- Exemplify professionalism and best practices in courtroom conduct.

PREREQUISITE:

Evidence must be taken prior to or concurrently with Trial Practice.

REQUIRED READING AND VIEWING MATERIALS:

1. *Trying Cases: Promise, Prove, and Persuade* (J. Zedalis, Vandeplas Publishing) also available as an e-book
2. Workshop/Trial Coursebook (weekly skills exercises and accompanying material) available for this course on Canvas
3. *Florida Evidence Code Summary Trial Guide* (laminated tri-fold for quick reference)
4. Irving Younger, *The 10 Commandments of Cross-Examination* at UC Hastings College of Law, <https://www.youtube.com/watch?v=dBP2if0l-a8> (43:20)
5. Case Summaries for Trial Preparation provided by the Professor

RECOMMENDED READING:

- Carlson, *A Student's Guide to Elements of Proof* (Thomson West)
- Ehrhardt, *Florida Evidence*
- Ehrhardt, *Florida Trial Objections*
- McElhaney, *Trial Notebook* (ABA)
- Frank & Imwinkler, *Florida Evidentiary Foundations*

COURSE EXPECTATIONS AND GRADING EVALUATION:

For this course, you will earn a total of 3 credits. Students are required to complete the assigned readings and participate in discussions, as well as the designated skills exercises. The class will be conducted in a lab/workshop format, consisting of 2 hours of practical exercises and 1 hour of instruction. Students must actively participate in both the lectures and the practical exercises. Participation in practical exercises includes presenting, observing, and critiquing exercises and practice trials. Students are expected to prepare for all in-class practical exercises in advance and must submit an electronic copy of their preparation to the professor via Canvas **by 11:59 PM on the Wednesday before class.**

To earn a satisfactory (S) grade, students must maintain good attendance, prepare thoroughly, and actively participate in class workshops and final trials. All students are required to serve as witnesses, jurors, and courtroom personnel during both class and final trials, in addition to their lawyer/case assignments. Competence, preparation, and attendance in these roles are considered in your final grade evaluation.

To earn an S+ grade, students must meet all the requirements above and demonstrate the following: thorough and thoughtful assignment preparation; outstanding preparation and performance during final trials; and active participation in class.

INTERNET USE DURING CLASS:

Using the Internet during class is not allowed unless I direct otherwise. You are not permitted to access social media sites, email (including clinic- or career-related messages), or news websites. Treat class as an important client meeting and plan your emailing accordingly. Even for a good reason, using the Internet breaches the standards of professionalism. If you have concerns about this policy, please speak with me.

The use of a computer, tablet, or phone is allowed only when a student is examining a witness or delivering a closing argument. Students watching and critiquing these presentations are not permitted to use electronic devices.

CLASS ATTENDANCE POLICY: Attendance in class is mandated by both the ABA and the Law School. Students are not permitted any unexcused absences during the semester and final trials. A student who fails to meet the attendance requirement will be dropped from the course. Attendance is particularly important in this course because it focuses on courtroom skills and involves interactive participation. While the assigned reading is essential, students cannot develop advocacy skills solely through reading or passive learning methods. Any absence must be approved in advance. The law school's attendance policy can be found at this link: <https://www.law.ufl.edu/life-at-uf->

[law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies#](#)

Failure to attend all or any part of the Final Trials, whether as a litigant or a witness, shall be automatic grounds for receiving a grade of “U.” Classes canceled because of holidays, emergencies, natural disasters, or other reasons will be rescheduled by the instructor.

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations, can be found at this link:

<https://ufl.instructure.com/courses/427635/files?preview=98226140>

UF ACADEMIC POLICIES AND RESOURCES:

Other information about UF academic policies and resources can be found at [this link](#).

ABA OUT-OF-CLASS HOURS REQUIREMENTS:

ABA Standard 310 states that students must spend 120 minutes on out-of-class preparation for each “classroom hour” of in-class instruction. Since our weekly class is about three hours, students should spend at least six hours preparing outside of class. This includes reading assigned materials, preparing for in-class exercises, reviewing recorded work, observing and reflecting on courtroom performances, preparing for assigned witness and critique roles, and submitting your prepared materials before class.

COMMUNICATION, COURTESY, AND CIVILITY:

Please adhere to common courtesy in all email messages and class discussions. Turn off your cell phone during class. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

IMPORTANT INFORMATION FOR ALL TRIAL PRACTICE STUDENTS:

Dressing for Court: Courtroom attire is required for the Final Trials and in our in-class practice Final Trials. Attire during lecture classes is casual. During workshop classes and when assuming witness or critique roles, students must wear business casual clothing.

Witness Roles: Each student will play the witness they cross-examine in the first round of Final Trials. All witnesses are expected to be well-prepared and to stick to the

assigned facts. Making up facts will result in a 10-point penalty for your team during the Final Trials.

Review and critique with Teaching Assistant(s): Workshop performances on direct exam, cross-exam, expert witnesses, and opening/closing will be recorded. Students are required to review their own performances with our TA(s). We'll discuss the details in class.

Preparation: All students are expected to prepare for and complete their assigned advocacy exercises. The Final Trials are the skills course's equivalent of final exams, and participation is mandatory. Participation includes assigned witness and critique roles, as well as assigned trial roles. ***All students participate in each trial round.***

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS:

This syllabus serves as a guide for the course direction. Our pace will partly depend on the difficulty level of each section and is subject to change. Besides completing the assigned reading/viewing, be ready to discuss your case theory and strategy during each class. These "case rounds" help students connect with each other and make analyzing legal, ethical, and practical issues easier than doing it alone. Learning through rounds is one of the best parts of experiential legal education!

Class will be divided into a two-hour trial skill exercise block and a one-hour instruction block. Exercises will follow the instructions from previous classes, as outlined below.

Date	Exercises	Lecture
1/22/26	None	Introduction to Trial Practice & Direct Examination
1/26/26		Cross-examination – Prof. Howard Lidksey
1/29/26	Direct Examination	
2/2/26		Exhibits and Visual Aids – Prof. Kristofer Eisenmenger
2/5/26	Cross Examination	
2/9/26		Expert Witnesses and Case Strategy – Prof. Becky Fletcher
2/12/26	Exhibits and Visual Aids	
2/16/26		Voir Dire

		– Prof. Sarah Wolking
2/19/26	Expert Witnesses	
2/23/26		Opening Statement – Prof. Brian Kramer
2/26/26	Voir Dire	
3/2/26		Closing Argument – Prof. Becky Fletcher
3/5/26	Opening Statement	
3/9/26		Final Trial Strategy – Prof. Howard Lidksey
3/12/26	Closing Argument	
3/16/26	***Spring Break – No Classes***	
3/23/26	Practice Final Trial #1	3 hour class – 6:30-9:30 (no Thursday class)
3/30/26	Practice Final Trial #2	3 hour class – 6:30-9:30 (no Thursday class)
4/6/26	Practice Final Trial #3	3 hour class – 6:30-9:30 (no Thursday class)
4/13/26		Rules of Competition – Various Instructors
4/16/26	Bring your case - open discussion	
4/17/26	First Final Trials: Rounds 1	4:30 PM – 8:00 PM
4/18/26	First Final Trials: Round 2 & 3	8:30 AM – 12PM & 1:30 PM – 5PM
4/20/26		Issues and Review of Rounds 1-3 – Various Instructors
4/23/26	Bring your case - open discussion	
4/24/26	Second Final Trials: Round 4	4:30 PM – 8:00 PM
4/25/26	Second Final Trials: Round 5 & 6	8:30 AM – 12PM & 1:30 PM – 5PM

Note: This syllabus reflects my current plans and goals. As we go through the semester, I might need to change them to improve your learning experience or because of factors inside or outside our course. Such adjustments, when communicated clearly, are not unusual and should be expected.

PART 1: Introduction to Trial Practice & Course Overview

Required Reading: pp. v, vi, (Forward) and pp. 1-17 (Preparing for Trial; Command of the Courtroom); and pp. 52-75 (Direct Examination) in Trying Cases.

The jury trial is the ultimate forum for justice. Trials are a search for truth, a search for justice, a method of dispute resolution, a form of closure, or all the above. We will consider the goal of persuasion as well as the mechanics of advocacy at each stage. This course focuses on skills necessary for excellent courtroom practice.

Although this is a trial course, keep in mind what comes before trial. Lawyers should prepare for trial by exhausting every avenue of discovery. This is the way issues are framed and plans are developed to prove claims or defenses and challenge the other party's case. Ask yourselves this: What do we need to prove or challenge? How do we prove or challenge it? Who has the burden of proof? How do we make it interesting? How do we appeal to the jury's sense of justice? What is the story in this case? How can we make the case easy for the jurors?

Lawyers must understand the purposes and goals of each part of the trial before they can excel at any level.

First Class: A broad overview of the jury trial and warm-ups.

Key Words: Language, word choice, tone, emphasis, open-ended questions, closed (leading) questions, listening, fair argument, relevance, protecting your client.

PART 2: Relevance, Proof, and Storytelling: Preparing and Presenting Key Witnesses

Required Reading: pp. 130-161 (Making and Meeting Objections)

Lawyers question their own witnesses and introduce other forms of evidence during direct examination. The sum of a party's direct exam evidence is the "case in chief." A skilled advocate presents witnesses in a straightforward and engaging style. A direct exam is like a slightly formal interview. All evidence must be relevant and admissible. For this reason, good trial lawyers are prepared to address relevance and other issues like hearsay.

How do we present our proof and our client's story in a proper, clear, and interesting manner?

Be prepared to conduct direct examinations in Problems #1 and #2 in Trial Practice Cases and Materials, *State of Florida v. Sheila Menlo* and *State of Florida v. Cynthia Baker*.

PART 3: Cross-examination

Required Reading: pp. 76-99 (Cross-examination)

We will work on cross-examination by considering our goals—discrediting, impeaching, and exposing weaknesses in the opposing side’s case.

Techniques for controlling the witness and maintaining the focus of the cross-examination will be considered. We will address scope of cross-examination. Foundations and methods of impeachment will be discussed.

We will also discuss objections, beginning with relevance. We will consider other common issues like hearsay and improper impeachment.

Be prepared to conduct direct and cross-examinations in: Problems # 3 and #4 in Trial Practice Cases and Materials, *Winthrop v. Preston’s Tree Service* and *State of Florida v. Strong*

PART 4: Exhibits and Visual Aids

Required Reading: pp. 100-110 (Laying Foundations)

Evidence comes in many forms, such as documents, pictures, audio and video recordings, substances, x-rays, charts, diagrams, firearms, and any other item that has relevance. All visual elements are important in trial, whether they are technically admitted as evidence. Everything the jury can see has significance.

Foundations for moving items into evidence should become second nature to a trial lawyer. It is helpful to view laying a foundation as a sort of courtroom mini quiz to test relevance and reliability. We will begin with the basic foundations for tangible items, pictures, diagrams, and writings.

Students will work on laying the proper foundation (with a qualified witness) in assigned problems. (Problems #5 & #6)

PART 5: Expert Witnesses and Case Strategy

Required Reading: pp. 111-125 (Expert Witnesses)

Lawyers rely heavily on experts in various fields. A properly qualified expert is often needed to give opinions on causation, medical procedures, forensic testing and comparison, and any other area that calls for specialized knowledge. Lawyers need to be skilled in handling expert witnesses. They must understand how to properly qualify an expert through proper foundation, how to present the expert's opinions, and how to challenge opposing expert testimony.

We will consider preparing and calling expert witnesses, laying proper foundations for expert opinion testimony, and potential objections. Students will work on direct or cross-examination of an expert or key witness in Problems #7 and #8.

Additional Week Five Topic: Protecting Your Client and Your Record

To protect a client's right to a fair trial, a lawyer must ask the court to exclude irrelevant or otherwise inadmissible evidence. We will discuss various types of motions and procedures for making objections pretrial and during trial.

We will have an intensive objections class. Students will listen to closing arguments and practice making and responding to objections. We will also discuss pretrial conferences and civility.

PART 6: Voir Dire

Required Reading: pp. 18-35

We will consider the goals and the process of jury selection, and ways in which lawyers can best serve the interests of clients at this stage of a trial. Basic procedures and juror questionnaires will be discussed.

Trial assignments will be posted prior to this class so all students have a chance to think about voir dire in their assigned trial cases. The trial practice cases are filed in state court, so state court rules and codes govern the proceedings.

Key questions include: who are the potential jurors and how will they react to the case? How do we intelligently exercise our challenges?

Jury selection involves careful listening and observation, pre-supposing that a lawyer is skilled in getting jurors to express themselves. We must know the potential jurors well enough to make an educated guess about their reactions to the people and the facts of the case. Thorough and accurate case analysis is a critical prerequisite to a lawyer's decision-making during jury selection. Students will conduct voir dire on behalf of their respective clients. "Senior" partners will be present to assist.

PART 7: Opening Statement and Closing Argument

Required Reading: pp. 37-51; 157-161

What do the jurors need to hear from us before we present our case? Jurors want to know what happened and who is responsible for it. They want to know what the big issues are. They want to be interested and engaged at the outset. We will discuss ways of opening the case in the most effective way.

What do jurors need to hear from us after all the evidence is admitted? Closing is the time to argue the merits of the case. How should the case be decided, and why? What are the best arguments to make based on the facts and the law? How can we discredit or neutralize the other side's case?

The theme of a case is the universal human factor that lies naturally in the story. Lawyers need to recognize and convey themes to jurors as a proper way of allowing shared human experience to inform deliberations. Themes can be powerful.

We will discuss persuasion and ways to enhance your ability to persuade.

Be prepared to conduct opening statements and closing arguments on behalf of your clients.

PART 8: Practice Trials

ALL Students will be involved in each practice trial. The practice trials for our section will be Monday nights beginning at 6:30 pm. In each practice trial, students will either be a lawyer, a witness, or a juror.