

COURTROOM STORYTELLING
SPRING 2021 OUTLINE OF COURSE & ASSIGNMENTS

If you need to discuss class issues, please contact Professor Perdue directly to set up a time at jperdue@perdueandkidd.com

***I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records.*

TEXTBOOK INFORMATION:

*Prior to class beginning, you will receive word from the Blakely office on how to order your textbooks for the class. **You will receive a special link from Texas State Bar to purchase the 3 textbooks at a significant discount.***

The 3 books below to be used are the following all written by Jim M. Perdue:

- 1. Winning with Stories – (author: Jim Perdue, Sr.; ISBN #: 9781892542229)*
- 2. I Remember Atticus – (author: Jim Perdue, Sr.; ISBN #: 9781892542212)*
- 3. Who Will Speak for the Victim? – (author: Jim Perdue, Sr.; ISBN #: 9780938160540)*

Each student will also be assigned (1 of 4) specific NITA case files (TBA). The Blakely office will send you information on this prior to class beginning. (SEE CASE FILE DESCRIPTION INFORMATION BELOW). Once you are assigned your case file, you may purchase the hard copy or e-book (if available) at the UH bookstore or online.

DO NOT PURCHASE UNTIL YOU HAVE RECEIVED YOUR SPECIFIC NITA CASE FILE ASSIGNMENT FROM THE BLAKELY OFFICE! YOU WILL BE ASSIGNED 1 OF THE 4 FILES BELOW.

*1. William Strange v. James Wrigley, 3rd ed. – by: Andrew Rodovich
ISBN#: 9781601565464 (hard copy) or 9781601565471 (e-book)*

*2. State v. Delaney, 3rd ed. – by: Joseph Taylor & AJ Griffth-Reed
ISBN#: 9781601567154 (hard copy) or 9781601567161 (e-book)*

*3. John Fulbright v. Americraft Industries and Andrew Parker, 4th ed. – by: Edward Stein
ISBN#: 9781601564870 (hard copy) or (e-book if available)*

*4. Williamson v. Shrackle, (only 1 ed.) – by: Molly O'Brien, Steven Friedman & Kevin Prins
ISBN#: 9781556816802 (hard copy) – NO e-book is available on this one*

STUDENT WEBPAGE – (CONTAINS ADDITIONAL READINGS):

In addition to assignments listed in syllabus; please make sure you have read materials listed under each of the specific CLASS tabs: <http://www.law.uh.edu/blakely/story-telling/>

GRADING INFORMATION:

Your final grade is based on a combination of attendance, preparation, participation & performance throughout the semester. The Writing Assignment due at Class 13 counts for 20%, the other writing assignments do NOT count for a grade. The closing argument performance counts for 70%, which are given by students during the last 4 class days. The closing argument is considered your final exam. The remaining 10% is made up of attendance, preparation and class participation. Please note: each student will receive a substantial amount of individual mentoring throughout the semester as well from Professor Perdue.

CLASS STRUCTURE AND RULES

ATTIRE: Dress for class is casual EXCEPT the day when a student has their final exam/closing argument assignment. On that day, it is requested/recommended that students dress as they would if they were making a court appearance. A part of the evaluation of the closing arguments performance will be based on how the student looks.

ATTENDANCE

Attendance is mandatory. An unexcused absence will be marked as a "0" for that class session, which will reduce your overall grade. As your presence is often necessary for the demonstrations, any absence will need to be planned for. You are allowed one "unexcused absence". If you are not going to attend, you must advise Nicole Dellario nhdellar@central.uh.edu & Professor Perdue jperdue@perdueandkidd.com via email as soon as possible, even if you chose not to provide a reason. Failure to attend without notifying Ms. Dellario and Professor Perdue will result in a "0" grade being given for the day. Obviously, sickness, death in the family, etc. will be considered excused absences. Many of you are on Advocacy teams. It is considered an excused absence if you are participating in a competition, however, it is not an excused absence for you to miss class to attend any form of a practice session. Please note: students must still adhere to the overall 80% attendance rule as indicated in your student handbook.

CASE FILE DESCRIPTIONS / INFORMATION

Students 1 through 3: William Strange v. James Wrigley (3rd edition)

1- Montalvo, Francisco

2- Dawson, Thomas

3-

Students 4 through 6: State v. Delaney (3rd edition)

4- Honeycutt, Adam

5- Karam, Joann

6- Ladjevardian, Tara

Students 7 through 9: John Fulbright v. Americraft Industries and Andrew Parker (4th edition)

7- Kritzer, Mark

8- Hosseini, Ali

9- Nguyen, Christian

Students 10 through 12: Williamson v. Shrackle (only 1 edition is available)

10- Nguyen, Richard

11- Westberg, Nikita

12- Woodruff, Katie

Students 1 through 3 - WILLIAM STRANGE V. JAMES WRIGLEY

On May 18, 2007, the plaintiff, William Strange, and his friend, Robert Montgomery, were drinking at a local bar. After several drinks, Strange called a friend, David Cunningham, who lived nearby. Montgomery drove Strange to the subdivision where Cunningham lived and mistakenly turned down the wrong street. Montgomery parked near the house of the defendant, James Wrigley, and his wife, Kathy. When Strange walked into the house through the front door, Wrigley shot him two times. Strange has sued to recover for the personal injuries he received.

You are free to prepare any visual aids consistent with the given facts.

Students 4 through 6 - STATE V DELANEY

This is a criminal case in which Ardell Delaney has been charged with a violation of Section 211 of the Criminal Code of the State of Nita, the felony of armed robbery. The defendant, Ardell Delaney, a professional baseball player, was a top pitcher for the University of Nita baseball team. He was drafted by the Houston Astros and played for three different Astros farm teams. In the late spring of YR-1 he injured his throwing arm and was on the disabled list throughout the summer of YR-1.

He has been accused of robbing at gunpoint Lexi Waitkus, the assistant manager of Miller's Fine Jewelers in the early evening of September 14, YR-1. The armed robber escaped with approximately \$12,440. On September 21, YR-1, the Nita Police Department arrested Val Cavarretta for possession for sale of cocaine. Detective Alex Lowrey interviewed Cavarretta about the offense, and Cavarretta claimed Delaney had money from a recent robbery of a jewelry store. Detective Lowrey checked with the NCPD ID Section and found that a print from a silver dollar taken from the robbery and found nearby bore seven points of similarity with Delaney's print. Lowrey then obtained a court order to take Delaney into limited custody for a lineup. On September 22, YR-1 Lowrey conducted a line in which Waitkus identified the defendant. Delaney was arrested. A preliminary hearing was held on October 20, YR-1 and the defendant was held to answer in the District Court for the County of Darrow.

The defendant pleaded not guilty to the charge, and the case is now set for trial. The defendant contends that this is a case of mistaken identification, and he claims at the time of the robbery he was having his car checked for smog certification.

You are free to prepare any visual aids with the facts provided.

Students 7 through 9 - JOHN FULBRIGHT V. AMERICRAFT INDUSTRIES AND ANDREW PARKER

John Fulbright has brought this action against Americraft industries and Andrew Parker, seeking damages for personal injuries sustained in a car-motorcycle accident that took place on July 20, YR-3.

The plaintiff claims that Andrew Parker was negligent in the operation of his automobile while he was engaged in the business of his employer, Americraft Industries. Defendants have admitted that Mr. Parker was acting in the scope of his employment at the time of the accident, but denied all other material allegations of plaintiff's claims. Defendant affirmatively alleges that plaintiff was negligent, and that the plaintiff's negligence was the sole proximate cause of the accident. Plaintiff claims that he became epileptic as a result of the injuries sustained in the accident, and that this condition prevented him from obtaining a college football scholarship, and has severely limited his income potential as a professional football player, or otherwise. Defendant denies that plaintiff's epilepsy was caused by this accident.

You are free to prepare any visual aids with the facts provided.

Students 10 through 12 WILLIAMSON V. SHRACKLE

This is a civil negligence action brought in the Nita state court by Professor Fergus D. Williamson against Charles T. Shrackle and the Shrackle Construction Company. Williamson claims that Shrackle negligently drove the company's pickup truck, striking Williamson as he was crossing the street, causing him severe injury and continuing disability. Williamson claims that he was acting in the course of the Shrackle Construction Company's business at the time of the event.

Shrackle admits striking Professor Williamson, but claims that he was crossing in the middle of the street, rather than in the pedestrian crosswalk, and that he did not look before entering in to the street in the path of Mr. Shrackle's pickup truck. Defendants deny that Shrackle was negligent and allege contributory negligence on part of the plaintiff, Professor Williamson.

You are free to prepare any visual aids with the facts provided.

Seventy percent (70%) of the final grade will be based on your closing argument given from these mock trial materials. Each closing argument will be evaluated by our class peers using an objective form. Evaluations by fellow students are reviewing, but the final evaluation and grade resides in the professor's judgment.

The schedule for the mock trial **CLOSING ARGUMENTS** is as follows:

Students are free to trade closing argument assignment, but no assignments can be abandoned. In other words, if a student wants to trade their position in one case to another student in another case and assume that student's position, they are free to do so.

HOWEVER: Students are to advise at the beginning of the Class # Twenty-Two on **April 12, 2021** of any changes/swapping of case and/or position.

April 14, 2021 (Class Twenty-Three)

William Strange v. James Wrigley

Closing Argument for Plaintiff (Student 1) (20 minutes)
Closing Argument for Defendant (Student 2) (30 minutes)
Rebuttal for Plaintiff (Student 3) (20 minutes)

April 19, 2021 (Class Twenty-Four)

State v. Delaney

Closing Argument for Plaintiff (Student 4) (20 minutes)
Closing Argument for Defendant (Student 5) (30 minutes)
Rebuttal for Plaintiff (Student 6) (20 minutes)

April 21, 2021 (Class Twenty-Five)

John Fulbright v. Americraft Industries and Andrew Parker

Closing Argument for Plaintiff (Student 7) (20 minutes)
Closing Argument for Defendant (Student 8) (30 minutes)
Rebuttal for Plaintiff (Student 9) (20 minutes)

April 26, 2021 (Class Twenty-Six)

Closing Argument for Plaintiff (Student 10) (20 minutes)
Closing Argument for Defendant (Student 11) (30 minutes)
Rebuttal for Plaintiff (Student 12) (20 minutes)

CLASS ASSIGNMENTS

The following schedule sets out the reading assignments for each upcoming class. Many of the class meetings will involve student participation & exercise. In order to meaningfully participate; a student will need to be familiar with materials assigned for that class. Some classes involve specific assignments for each student by student number.

THERE MAY BE MINOR CHANGES &/OR ADDITIONS TO READING MATERIALS THROUGHOUT THE SEMESTER! PROFESSOR PERDUE OFTEN ADDS ADDITIONAL INFO BEFORE SOME CLASSES!

In addition to assignments listed in syllabus; please make sure you have read materials listed under each of the specific CLASS tabs on the online webpage:

<http://www.law.uh.edu/blakely/story-telling/>

CLASS ONE – January 20, 2021 – HOW WE GOT OUR JURY SYSTEM AND WHY WE MUST PRESERVE IT

Through historical & personal stories, I demonstrate various storytelling techniques & principles. The American tradition of permitting citizens to redress wrongs by trial to an independent jury is a proud & noble one. Students are encouraged to understand its history & work to preserve it.

Assignments to be prepared for CLASS 1 – January 20, 2021

- 1) *Make sure you have laptop for CLASS ONE – Each student will take an online survey in class (instructions to be given in class)*
- 2) *Read Perdue Personal Biography*

CLASS TWO – January 25, 2021 – CHOOSING THE AUDIENCE FOR YOUR STORY

Jury selection is the most significant stage of any trial. We will consider techniques of the voir dire process and principles of jury selection.

Assignments to be prepared for CLASS 2 – January 25, 2021:

Read pages 27-33 and 49-73; *Who Will Speak for the Victim?*

Read pages 139-160; *Winning with Stories*

Read:

- 1) US District Court Wyoming (Sire v. BNSF Railway)
- 2) *Tips for Weeding out Juror Bias*; Jim M. Perdue, Sr. TRIAL, July 2005
- 3) *St. Mary's Law Journal on Voir Dire* 2009
- 4) *Juror Questionnaire*
- 5) *Voir Dire Class notes forms*
- 6) *Hershael Williams v. Porter Heinrich and Gardner Century Capital Investments Co.*

CLASS THREE – January 27, 2021 – HOW YOU SAY IT CAN BE MORE IMPORTANT THAN WHAT YOU SAY

To be an effective courtroom story teller, you must have a good voice and know how to use it. We focus on developing the student's speaking ability. The exercises are designed to work just on the voice – how to use it, how to develop it, and why it is important to have a commanding, but pleasant voice in the courtroom.

Assignments to be prepared for CLASS 3 – January 27, 2021

- 1) *Prepare your obituary as if you were to die at age 80 (this written assignment is not graded):*
TO BE TURNED IN AT THE BEGINNING OF CLASS 3
- 2) *Read the Introduction in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)*

CLASS FOUR – February 1, 2021 – MORE OF HOW YOU SAY IT CAN BE MORE IMPORTANT THAN WHAT YOU SAY

Some students sing, then speak the lyrics. Nothing improves emphasis, timing, and use of tone and pitch better than this exercise. We consider orchestration and particularly the use of rising and falling pitch. We move on to working on one of the essentials of persuasive speaking – eye contact.

Assignments to be prepared for CLASS 4 – February 1, 2021

- 1) *Prepare a story of a significant event in your life that influenced your values. (this written assignment is not graded):* *TO BE TURNED IN AT THE BEGINNING OF CLASS 4*
- 2) *Read: Chapter 1: A Summer Lesson in Speaking for Victims by Perdue: Lessons Learned book online (link is at the top in red on the Storytelling website); This is an example of significant influencing event*
- 3) *Read: Pauses*
- 4) *Read: Star Spangled Banner Music / Lyrics*

CLASS FIVE – February 3, 2021 – A JURY IS NOT AN AUDIENCE OF 12 PEOPLE; IT IS 12 AUDIENCES

We discuss the concepts of neuro-linguistic programming and how to present to your audience in all three representational systems – 1) visual; 2) auditory and 3) kinesthetic. In an interesting exercise, students learn how to communicate a feeling using only their eyes. Good speakers use pitch, tone and pauses to bring persuasive purchase to their storytelling. Various student exercises are designed to bring an appreciation and understanding of these principles.

Assignments to be prepared for CLASS 5 – February 3, 2021

- 1) *Watch the Eyes & Mark Where They Go*
- 2) *Read Chapter 2: The Cowboy Way in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)*

CLASS SIX – February 8, 2021 – FOR EVERY MOVEMENT THERE IS A PURPOSE; FOR EVERY STORY THERE IS A BEGINNING

Movement, gestures, even the way a lawyer handles exhibits sends a subliminal message to a jury. We consider these principles together with the concept of creating and using physical anchors, as well as the dramatic technique of the L-Cut. Students learn the concepts of hooks, headlines, and other techniques that can be used to get the attention of the audience.

Assignments to be prepared for CLASS 6 – February 8, 2021

- 1) *Read Chapter 3: We Are What We Were in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)*

CLASS SEVEN – February 10, 2021 – WHO YOU ARE SPEAKS SO LOUDLY I CANNOT HEAR WHAT YOU SAY

We cover the results of the personality test that is in the course materials. What type of personality each student is and what this tells us about them.

Personality types are contrasted with the new concept of E.Q. (emotional quotient). We consider ways to use your persona and demeanor to connect with juries. We begin working on the principle “the past tense can cripple a message in the courtroom”. Students learn the persuasive magic of present tense story telling in the examination of witnesses, opening statements and closing arguments.

Assignments to be prepared for CLASS 7 – February 10, 2021

- 1) *Read Chapter 4: Ten Cents on the Dollar in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)*

Read ALL additional material links listed under Class #7 tab (listed below)

*Students will take the personality profile tests contained in course material before attending class. Results will be discussed in class 7.

- 2) *Personality Test Question (Keirsey Temperament Sorter)*
- 3) *Personality Descriptors*
- 4) *Personality & Success Tests*
- 5) *Personality Types that Make Money*
- 6) *Your High IQ is Not Enough*
- 7) *Emotional Quotient Test*
- 8) *“16 Personalities” – Online Personality Test*

CLASS EIGHT – February 15, 2021 – YOU DON'T HAVE A CASE IF YOU DON'T HAVE A STORY; YOU DON'T HAVE A STORY IF YOU DON'T HAVE A MORAL; YOU DON'T HAVE A MORAL IF YOU DON'T HAVE EMOTION

We will consider some interesting exercises that relate to the judgments people make and begin a consideration of “code words”, a concept pioneered by Clotaire Rappiello and “framing” as taught by political consultants Frank Luntz and George Lasko.

Assignment to be prepared for CLASS 8 – February 15, 2021:

- 1) *Students will prepare a three (3) minute emotional story for presentation at Class Eight. The story should have an identifiable moral that appeals to an emotive reaction. – TO BE PRESENTED IN CLASS 8*
- 2) *Read: How We Make Judgments*
- 3) *Read: Story Structure*
- 4) *Read Chapter 5: Good Facts Make Bad Law in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)*

CLASS NINE – February 17, 2021 – A GOOD TRIAL LAWYER TELLS WHAT HAPPENED; A BETTER TRIAL LAWYER TELLS WHY IT HAPPENED; THE GREAT TRIAL LAWYER TELLS HOW IT FELT

Each student is given an assignment of a scene that they use their creative abilities to describe. These assignments are found in the course syllabus. As you set the scene, think in terms of the total story you would tell using this scene. This will be done within three (3) minutes. After setting the scene, we will go to some other exercises that flow off of that. We will also be considering case themes, schemas, and the differences between opening and closing argument.

Assignment to be prepared for CLASS 9 – February 17, 2021:

Read pages 37-48; *Winning with Stories*

Read:

- 1) *Bringing Drama to the Courtroom*; Jim M. Perdue; TRIAL, September 1997.
- 2) *Putting the Pieces Together*; Jim M. Perdue, Sr. and Jim M. Perdue, Jr.; TRIAL, Medical Negligence, May 2003.
- 3) *Storytelling & the Art of Persuasion*
- 4) *Your Brain on Politics*
- 5) *Setting the Scene – in class exercise during CLASS 9*
- 6) *Using Dramatic Techniques to Structure a Trial Story (includes additional Scenes-Acts I, II, III, Epilogue). Note: this is different from the #5 “setting the scene”*
- 7) *Chapter 6: Setting a Precedent in Redneck Country in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)*

CLASS TEN – February 22, 2021 – EVERYONE SHOULD PLAY BY THE RULES

Rules play a unique position in the courtroom story. Almost every cause of action imaginable is based upon the idea that someone broke the rules; either some established rules in writing or some common sense, everyday rules. We consider the concepts set out in the Rick Friedman and Pat Malone’s recent book, *Rules of the Road*.

Assignment to be prepared for CLASS 10 – February 22, 2021:

Read pages 49-62; *Winning with Stories*

Read:

- 1) *Touched by an Angel-The Cases We Remember*; Jim M. Perdue, Sr., TRIAL, March 2000
- 2) *Rules of the Road*. Be prepared to offer the suggestions for the “Rules of the Road” that you would attempt to prove in your mock trial case.
- 3) *Opening Statement*
- 4) Direct Examination of Your Expert
- 5) Cross Examination
- 6) Chapter 7: Trials Can Be Fun in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)

~~CLASS ELEVEN – February 24, 2021 – FINDING THE “WHO” IN YOUR STORY~~

We will talk about character development as an essential to any courtroom story. The type of characters that we want to pull for and the type that we want to see lose. Unlikeable characters. We consider the concept of motive and the role it plays in character and the story.

Assignment to be prepared for CLASS 11 – February 24, 2021:

1) Students should prepare a three (3) minute speech/story on someone you admire. This may be a friend, relative or historical figure. – TO BE TURNED IN/PRESENTED IN CLASS 11

Read:

- 2) *Crafting Personal Essays*
- 3) *Mark Twain’s Rules for Literary Art*
- 4) *When Less is More*
- 5) *How to Stop the Plot Thieves*
- 6) Chapter 8: Lose the Battle, Win the War – Petard Objection in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)

~~CLASS TWELVE – March 1, 2021 – FINDING THE ESSENCE OF YOUR STORY~~

Students learn how to find the essence of their story utilizing the telegram exercise, a novel concept of storytelling developed by Katherine James and Allan Blumenfield, California actors who have helped many trial lawyers become more effective advocates in their advance workshops they put on all over the country. As part of the exercise, we work more on the essential of eye contact. We will talk about how to put together a trial notebook. I present the concept and principles of organizational structure for an opening statement and where the speaker begins the story is so critical.

Assignment to be prepared for CLASS 12 – March 1, 2021:

Read

- 1) Pages 63-74; *Winning with Stories*
- 2) *Perdue’s Storytelling Techniques*
- 3) *Perdue’s Do’s & Don’t of Courtroom Storytelling*
- 4) *Great Beginnings-Essential Art of Editing*
- 5) *Create A Narrative Arc*
- 6) *Connecting with Your Jury*
- 7) *How Do You Find the Story of Your Case – (contains in-class telegram exercise)*

8) Read Chapter 9: Bad Clients – Good Law in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)

OPENING STATEMENT
1ST GRADED WRITTEN ASSIGNMENT
DUE AT CLASS THIRTEEN (20% OF FINAL GRADE)

Prepare a written opening statement for the case assigned to you for closing argument. The draft should be double spaced and NOT to exceed eight pages.

I have had students complain at the conclusion of the semester about being challenged to draft an opening statement this early in the semester. The purpose of this exercise is for me to get an idea of your present level of trial advocacy. You will not know all you need to know about crafting an opening statement until the conclusion of the class, and even then, the main thing you will have learned is that there is so much more for you to learn. One of the best learning exercises is to take the opening statement you prepare at this stage of the class, review it after your final arguments/examinations and compare it with the way you would approach it given the concepts you have learned throughout the semester.

TURN IN FIRST WRITTEN ASSIGNMENT (20% of final grade) Due March 3, 2021 (Class Thirteen)

Reading Assignment regarding Opening Statements: Chapter titled “Opening Statements” authored by Jim M. Perdue, Sr. in the 6-volume treatise **ATLA LITIGATION TORT CASES**. Can be found under **Class 13 tab**.

FOR CLASSES 15-18, you must prepare and present a brief opening statement from the case that has been assigned to you for closing argument. The opening statement should not exceed 12 minutes.

CLASS THIRTEEN—March 3, 2021—ONLY THE BEST WORD WILL DO

In this class, we consider the use of various rhetorical techniques such as labels, metaphors and similes. We study more on the concept of framing, which today, is a mainstay of all political campaigns. Throughout this course, we discuss some of the revolutionary concepts of the disciplines of archetypology, linguistics and psychology.

Assignment to be prepared for CLASS 13 – March 3, 2021:

TURN IN OPENING STATEMENT WRITTEN ASSIGNMENT (20% OF FINAL GRADE)

Read:

- 1) Pages 149-156 and 267-318, *Winning with Stories*.
- 2) ATLA - “Opening Statements” authored by Jim M. Perdue, Sr. (parts 1, 2 & 3)
- 3) *Words for the Wise*; Jim M. Perdue; TRIAL, July 1990
- 4) Power Words
- 5) Traditional Opening Statement 3 versions (#1 original; with Perdue, Jr. comments & with Kinnard comments)
- 6) Essentials of Opening Statement Exercise
- 7) Chapter 10: Maybe Small Things Aren’t Bad in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)

CLASS FOURTEEN—March 8, 2021—PEOPLE DONT BELIEVE WHAT THEY SEE AS MUCH AS THEY SEE WHAT THEY BELIEVE

This will be a lecture covering the use of Power Points and demonstrative aids in the courtroom. Why they are important and how to best use them.

Assignment to be prepared for CLASS 14 – March 8, 2021:

- 1) Read pages 167-183, *Winning with Stories*
- 2) Read Chapter 11: Getting & Keeping Cases in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)

CLASS FIFTEEN—March 10, 2021—OPENING STATEMENT EXERCISE (STUDENTS 10-12)

Students will be called upon to give a short opening statement lasting no longer than twelve (12) minutes. Students should use for their opening statement, the mock trial case they are working on and from which they will give their closing argument.

Assignments to be prepared for CLASS 15 – March 10, 2021

- 1) Read Chapter 12: Epiphanies: Guideposts for Modern Jury Persuasion in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)

CLASS SIXTEEN – March 22, 2021 – OPENING STATEMENT EXERCISE (STUDENTS 7-9)

Assignments to be prepared for CLASS 16 – March 22, 2021

- 1) *Read Chapter 13: Good Enough or Safe Enough in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)*

CLASS SEVENTEEN – March 24, 2021 – OPENING STATEMENT EXERCISE (STUDENTS 4-6)

Assignments to be prepared for CLASS 17 – March 24, 2021

- 1) *Read Chapter 14: Backstage at the Courthouse in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)*

CLASS EIGHTEEN – March 29, 2021 – OPENING STATEMENT EXERCISE (STUDENTS 1-3)

Assignments to be prepared for CLASS 18 – March 29, 2021

- 1) *Read Chapter 15: The Wrong Person Doing the Wrong Things at the Wrong Time in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)*

CLASS NINETEEN – March 31, 2021 – DIRECT AND CROSS EXAMINATION EXERCISE (STUDENTS 7-9 & 10-12)

Using the mock case assigned, students select from their group one student to play witness, one to do a direct examination, and one for cross-examination. During the presentations, we will be working on how to connect with the jury and also how to disconnect opposing witnesses from the audience.

Assignments to be prepared for CLASSES 19 & CLASS 20 – March 31, 2021 & April 5, 2021

Read:

- 1) Pages 74-79, *Winning with Stories*
- 2) Pages 185-211, *Winning with Stories*
- 3) *Preparing Your Client for Trial – The Plaintiff's Perspective*
- 4) *Interview with a Witness*
- 5) *Cross Examination – A Look at Impeachment*
- 6) *Sit or Stand (email)*
- 7) *The Five Question Rule – Cross Examination Simplified*
- 8) *Principles of Cross Examination*
- 9) *Guidelines for Successful Cross Examination – (from the Nuremburg Trial)*
- 10) *Rule 803. Hearsay Exceptions; Availability of Declarant Immaterial*
- 11) *Read Chapter 16: She Trusted the Wrong Person in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)*

CLASS TWENTY – April 5, 2021– DIRECT AND CROSS-EXAMINATION EXERCISE
(STUDENTS 4-6 & 1-3)

Assignments to be prepared for CLASSES 19 & CLASS 20 – March 31, 2021 & April 5, 2021

Read:

- 1) *Same readings listed above under Class #19*
- 2) *Students will be given assignments of social/political/economical topics on which they will present arguments supporting their propositions not to exceed 3 minutes. Students will be expected to do their own independent research on behalf of their assigned proposition. – **WILL PRESENT THIS DURING CLASS 21***

CLASS TWENTY-ONE – April 7, 2021– DEVELOPING A COGNITIVE THEME – MAKING IDEAS STICK

Students present their three (3) minute political argument during this class #21)

We will work on the concept of the cognitive theme – the idea that holds the facts and science together. We will be talking about focus groups and how they help prepare for trial and find the theme. We will go through some exercises designed to teach students how to narrow their story down to its basic and critical element.

Assignment to be prepared for CLASS 21 – April 7, 2021

- 1) Students will present their three (3) minute political argument (listed above)
- 2) Read pages 89-102, *Winning with Stories*
- 3) Students present their three (3) minute political argument. Students will be expected to do their own independent research on behalf of their assigned proposition.
- 4) *Summary of Made to Stick: Why Some ideas Survive & Others Die – (Chip Heath & Dan Heath)*
- 5) *Read Chapter 17: Death at the Hands of a Stranger in Speaking for Victims: Lessons Learned book by Perdue online (link is at the top in red on the Storytelling website)*

CLASS TWENTY-TWO – April 12, 2021– DON'T ASK PEOPLE WHY THEY DO THE THINGS THEY DO – THEY DON'T KNOW

The goal of this class is not to produce “cookie cutter trial lawyers”; rather it is to help the students in gaining a better understanding of themselves from their natural speaking abilities and insight into their unique personalities. Every lawyer brings to the courtroom their own “style” still, there are fundamentals to any successful closing argument, such as explaining the meaning of the court’s charge, giving a jury an understanding of the legal definitions, integrating the evidence into a cohesive story, making clear to the jury what you desire by way of a verdict and then motivating and empowering the jury to return that verdict.

Few souls are converted by great oratory after the evidence is completed. Most jurors have already made up their mind as to which of the two competing stories they believe. Experienced trial lawyers understand that the purpose of the closing argument is to give those who have accepted and believed your story the arguments they can use to convince others.

Various techniques can be used to increase damages. We will consider some of the strategies from David Ball, one of the premier jury consultants in this country who has written landmark treatises on this subject. We will consider the use of life care plans and other modern techniques used in personal injury cases.

The course materials contain a handout that is a checklist of things to consider as empowering themes and a list of motives, goals and values to consider when constructing an affective theme. We talk about affective themes, how they are used and why they are important. The student exercise is to give a 3 minute talk on the virtue that they have been assigned in their course materials.

Assignment to be prepared for CLASS 22 – April 12, 2021

Read:

- 1) *David Ball on Damages*
- 2) Pages 249-345 in *Who Will Speak for the Victim?*
- 3) *Arguing Comparative Negligence for the Plaintiff*, Jim M. Perdue; Texas Bar Journal, December 1987
- 4) *Comparative Negligence*; Jim M. Perdue; TRIAL, May 1998
- 5) Damages – Perdue, Jr.
- 6) Perdue's Closing Argument Tips
- 7) *Read the Epilogue in Speaking for Victims: Lessons Learned* book by Perdue online (link is at the top in red on the Storytelling website)
- *8) Students to advise Professor Perdue of any trades/swaps made regarding closing argument assignments by CLASS 22.

WRITTEN ASSIGNMENT

DUE AT CLASS TWENTY-THREE (NOT GRADED) – April 14, 2021

For this written assignment, I have students prepare a narrative of the most helpful and interesting things they learned in this class. It should not exceed 6 pages double-spaced.

CLOSING ARGUMENTS & EVALUATIONS – CLASSES 23, 24, 25 & 26

Reading Assignments regarding Closing Arguments. Can be found under Class 23 tab.

Read:

- 1) Improper Jury Argument
- 2) Texas Objections
- 3) Using Depositions in Trial
- 4) Effective Final Argument for the Plaintiff
- 5) Opening Argument for Plaintiff
- 6) Jury Charge - Alexander v. Tops
- 7) Battaglia, et al. v. Alexander
- 8) Motives, Goals & Values
- 9) Perdue's Tips on Empowering the Jury
- 10) Practical Applications of Neuroscience in the Courtroom
- 11) Storytelling Overview

FOR CLASSES 23-26, you must prepare and present a Closing Argument from the case that has been assigned to you.

CLASS TWENTY-THREE – April 14, 2021– CLOSING ARGUMENT AND EVALUATION

1) Turn in written assignment regarding what you learned in the class (NOT GRADED).

Seventy percent (70%) of your final grade is determined by how you perform in your closing argument. As I have indicated on any of these assignments whether it is setting the scene, or closing arguments, you can trade assignments, but you can't abandon them. In other words, you can agree with another student that you will take her assignment if she will take yours.

CLASS TWENTY-FOUR – April 19, 2021– CLOSING ARGUMENT AND EVALUATION

CLASS TWENTY-FIVE – April 21, 2021– CLOSING ARGUMENT AND EVALUATION

CLASS TWENTY-SIX – April 26, 2021– CLOSING ARGUMENT AND EVALUATION

ADDITIONAL MISCELLANEOUS REQUIRED NOTICES:

Counseling and Psychological Services (CAPS)

CAPS can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus.
www.uh.edu/caps/outreach/lets_talk.html .

Sexual Misconduct Policy

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to the University system's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here:

<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>

<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d7.pdf> (antidiscrimination)

<http://www.uhsystem.edu/compliance-ethics/docs/sam/01/1d8.pdf> (sexual misconduct)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.

Names and Pronouns

Chosen names and preferred pronouns (including non-binary ones such as they/them/their) must be respected in my classroom. Please feel free to reach out to me at any time if you want to make me aware of your chosen name or preferred pronoun, or if you have concerns about how I or your classmates address you.

Pandemic Operations Notices:

Attendance via Zoom

This class will be taught via this Zoom. The link will be emailed to the students directly.

- You must be logged in with a computer (not a phone) with your video camera turned on and microphone muted (note: the class will be set up to mute you automatically upon entry). Video must stay on for the entire class.
- You must identify yourself with your first and last name in the Zoom videoconferencing software.
- You must present yourself professionally in the video stream, both in attire and in conduct.

Recording of Class (required for all courses)

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Center for Students with DisABILITIES](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with *anyone* without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Syllabus Changes (required for all courses)

Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible through (*specify how students will be notified of changes*).

For HyFlex courses:

Face Covering Policy (required for courses with a face-to-face component)

To reduce the spread of COVID-19, the University [requires face coverings](#) on campus including classrooms for both faculty and students. Face coverings must cover your mouth and nose and be worn throughout the class session. A mask with a valve is not considered an adequate face covering and should not be used, as it can expel exhaled air, increasing the risk to others. Eating or drinking during class is discouraged and is not an excuse for removing the face covering for any extended length of time. For additional information on the use of face coverings, please see [Face Covering FAQs](#). Failure to comply with the requirement to wear a face covering in class will result in your being asked to leave the classroom immediately and a disciplinary referral through the Dean of Students Office. Requests for accommodations relating to the face covering policy may be directed to the [Center for Students with DisABILITIES \(CSD\)](#).

Required Daily Health Self-Assessment (required for courses with a face-to-face component)

Your presence in class each session means that you have completed a daily self-assessment of your health/exposure and you:

- Are NOT exhibiting any [Coronavirus Symptoms](#)
- Have NOT tested positive for COVID-19
- Have NOT knowingly been exposed to someone with COVID-19 or suspected/presumed COVID-19

If you are experiencing any COVID-19 symptoms that are not clearly related to a pre-existing medical condition, do not come to class. Please see [COVID-19 Diagnosis/Symptoms Protocols](#) for what to do if you experience symptoms and [Potential Exposure to Coronavirus](#) for what to do if you have potentially been exposed to COVID-19.