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Criminal Litigation and Legal Issues in Criminal Procedure: Readings and Hypothetical Exercises, Second Edition

Brent E. Newman

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Description Most trial advocacy courses offer skills training that incorporates little or no substantive law principles. By the same token, most criminal law and procedure courses focus on legal principles and doctrine only, ignoring courtroom advocacy skills training concerning substantive law. This book merges elements from these two types of courses into one and bridges the gap between them. Criminal Litigation and Legal Issues in Criminal Procedure, Second Edition, covers all stages of a criminal prosecution—from the preliminary hearing through the motion for a new trial—and examines nearly all of the constitutional issues addressed in a traditional Criminal Procedure course. However, unlike a traditional Criminal Procedure course, this course involves five weekly advocacy exercises and minimal lecturing. The exercises require each associate to play the role of either defense counsel or prosecutor. A Teacher's Manual is available. According to Newton, by the end of the course, virtually every student in the class will have learned to advocate orally, which at least at the trial court level wins cases as much as or more than effective written advocacy. New to the second edition are material and hypothetical exercises that address the recent landmark decisions by the Supreme Court in Crawford v. Washington (2004), Blakely v. Washington (2004), and United States v. Booker (2005). It also contains new material on death penalty law in the chapter on sentencing issues. Writing a masterful exam answer in a substantive course, while an important part of legal education, is one thing. Standing on your feet while orally advocating a legal point in a precise and persuasive manner is another. The latter—which involves speech and debate skills in the context of legal advocacy—is the focus of this course.

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