

# TEACHING TRIAL ADVOCACY

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# Advocacy in Child Welfare Cases

## RESOLUTION WITHOUT TRIAL

- A good trial lawyer is one who is not in trial.
- Resolution between parties encourages good working relationship between social workers and family members.
- Everyone feels like a winner.
- Requires specific people skills.

## RESOLUTION BY TRIAL

- Success in trial creates more opportunity to succeed without a trial.
- Necessary when “someone is wrong” or “someone needs to cry.”
- Requires specific legal skills.

# Trial Skills for Non-Lawyers

- Social workers who understand the trial process are more confident and successful in court.
- Agency cases are more successful when social workers are trained on how report writing impacts whether the case will go to trial and how to present as credible witnesses.
- The more time a professional witness spends in court observing or testifying the more opportunity that professional has to get comfortable with their role in the trial process.
- Agency attorneys can help the social workers with the trial aspect of their job by providing training.

# Trial Skills Training Topics

## Attorneys

- Direct Examination
- Closing Argument
- Cross Examination
- Expert Witnesses
- Objections
- Opening Statements

## Social Workers

- Report Writing
- Witness Training

# Where Can You Get Help?

- National Institute of Trial Advocacy (NITA)
  - Juvenile Law Society
  - Rocky Mountain Child Advocacy Training Institute (RMCATI)
  - American Bar Association Center for Children and the Law
  - Law Guardian Program at Hofstra (interdisciplinary)
  - California Court Improvement Program (interdisciplinary)
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- Contact information and publications contained in handout!

# Learning By Doing

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- Lecture/ Demonstration
- Performance
- Critique

# Lecture/Demonstration

- Present basic skills through lecture to group.
- Demonstrate these skills to show how the skill should look in practice.

# Performance

- Break into small groups and have the participants perform the skill you have taught and demonstrated.

# Critique – The Good

- Objective feedback in group setting.
- Subjective feedback in one-on-one setting.
- Focus on student level.
- Something fixable.
- Teaches the group and the individual.
- Enthusiastic/Constructive delivery.
- One point only.

# Critique- The Bad and The Ugly (Things to Avoid)

- War stories.
- The “I” critique.
- More than one point.
- Confrontational questions.
- Critique longer than performance.
- Sugar coating.
- Team teaching disagreements.