

Moot trial provides real-life experience

Lawyers, victims and witnesses join together in courtroom drama

Tension hung heavy in the courtroom as Counsel for the Prosecution Brendon Alexander wearily eyed the witness across the room. Something about her looked shady.

This had been one of the longest trials of the week. Five attorneys represented three clients in the Fordyce vs. Harris and Felson assault trial, and there had been problems finding consensus on points of procedure on evidence submitted.

All five had approached the bench often to confer with Judge Pamela Schultz. The defendants were edgy and the jurors just wanted to get it over with.

Melissa Angel, cocktail waitress at Gus' Bar and Grill had worked the night Fordyce had been beaten up. Her eyewitness testimony was crucial.

"So, how long have you been working at Gus', and . . . " Alexander paused to examine the witness' rather heavy moustache and hefty build. "How long have you been taking steroids?"

The entire courtroom erupted in laughter. The judge threw up her hands in mock disgust and ordered the question stricken from the record. Then she giggled with the rest of the University law students, happy to find a light moment at the end of a long summer semester.

All the participants in the University School of Law's moot courtroom were acting out the final chapter in a class designed to give law students a feel for a real courtroom. "Trial Practice" not only involved third year law students but also their families and friends who agreed to act as witnesses and jurors.

One of those volunteer actors, Rod Sanderson from Junction City, was assisting Greg Perkins, a law student from Salem. Perkins was having a hard time getting volunteers to come to Eugene, so the actor played two different parts — one male and one female.

In many ways the courtroom can be compared to theater, says law Professor Wayne Westling, who teaches the class along with Lauren Holland, a Eugene attorney.

"You are presenting a story to an audience, but you are bound by the facts, bound by what happened," Westling says. "You can't create like playwrights, but you can use theatrical techniques."

Throughout the term the students have worked on different parts of courtroom drama. First, the case and accumulated evidence were presented to them. These are stock cases based on real trials, but edited for educational purposes by the National Institute of Trial Advocacy.

From these the students had to determine what facts would lay the most convincing founda-

tion on which to build their presentations. The courtroom procedure was taken apart piece by piece for examination.

For example, the students discussed how to question friendly versus unfriendly witnesses, they practiced giving opening and closing arguments to a fictitious jury, and last week they put it all together in one big piece.

The experience the class gains is becoming more crucial, Westling says.

"The pattern of lawyers has changed," Westling says. "You can't always get a preliminary job with an experienced lawyer."

Increasing numbers of schools are training students to be a complete lawyer when they graduate, he says.

"You need to be able to do it when you walk out that door."

The class is not required, but it is "the best thing in law school," says Caren Tracey, an assistant district attorney in Eugene. "Students are fools if they don't take advantage of it."

Tracey volunteered as a witness in the cocaine conspiracy trial. She played the part of Laura Dobson, a role she has played four other times. When she was a law student she also tried this case.

"I've done this on the other side," she says. "This is one of my favorite roles."

Another local professional says he enjoyed playing a judge. Andrew Bates, an attorney for the Eugene public defenders of-

fice presided over the cocaine trial. He says he gained insights into how to interact with a judge, and how a judge behaves.

"Decisions have to be made quickly," Bates says. "There's not a lot of time for thought reflection."

Getting perspectives on the "other side" is an unexpected benefit for all involved parties, says third year law student Elise Fulsang, who has been doing trial work at the Benton County District Attorney's Office in Corvallis.

Fulsang played police officer Penny Logan in the assault case. "It's good to get up there and know what it's like to be questioned," she says.

During final evaluation after all cases have been presented, the students receive a written critique and view an entire videotape of their performance, Westling says. This information is valuable even for those who don't plan to be trial lawyers, he adds.

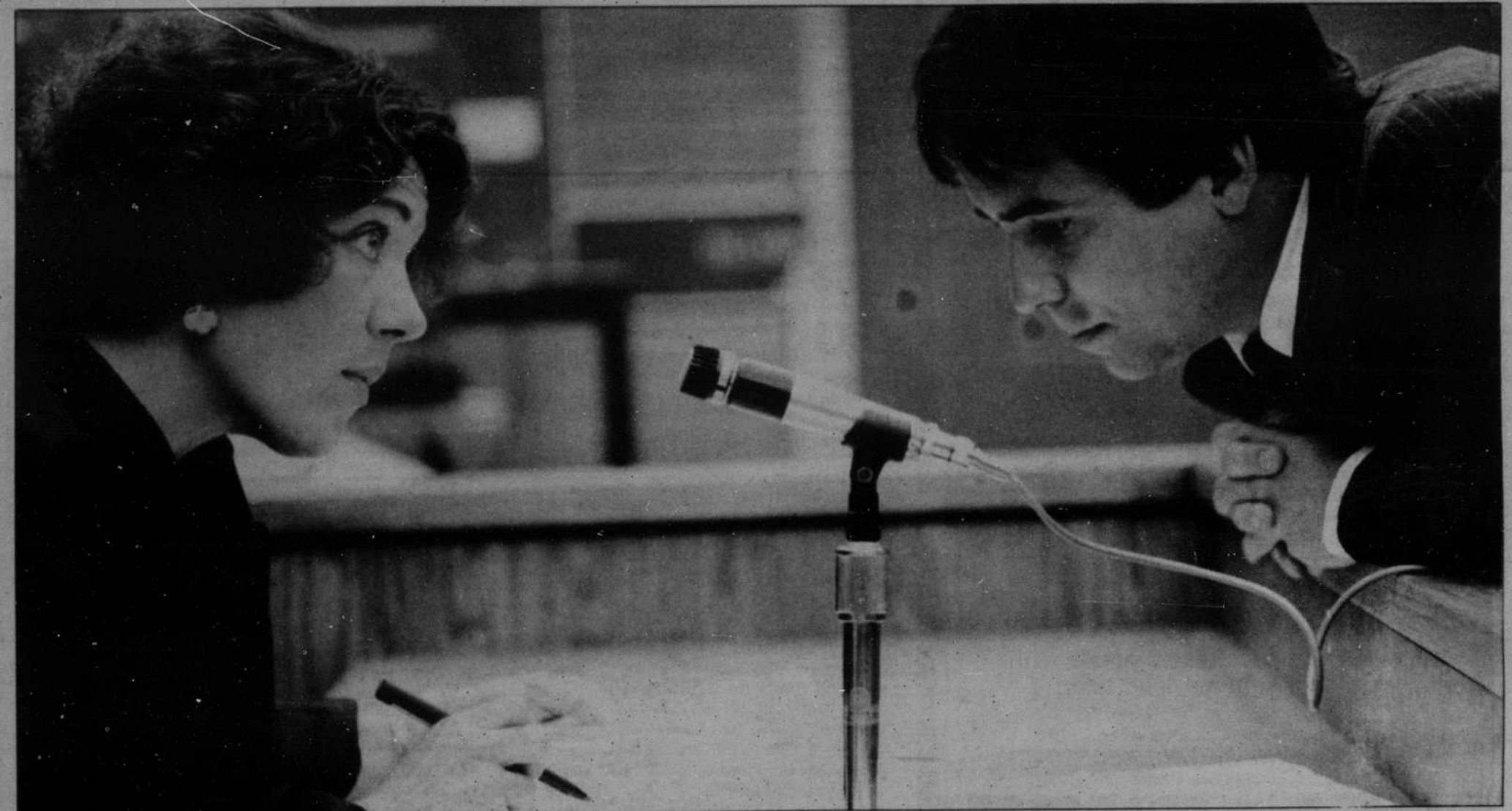
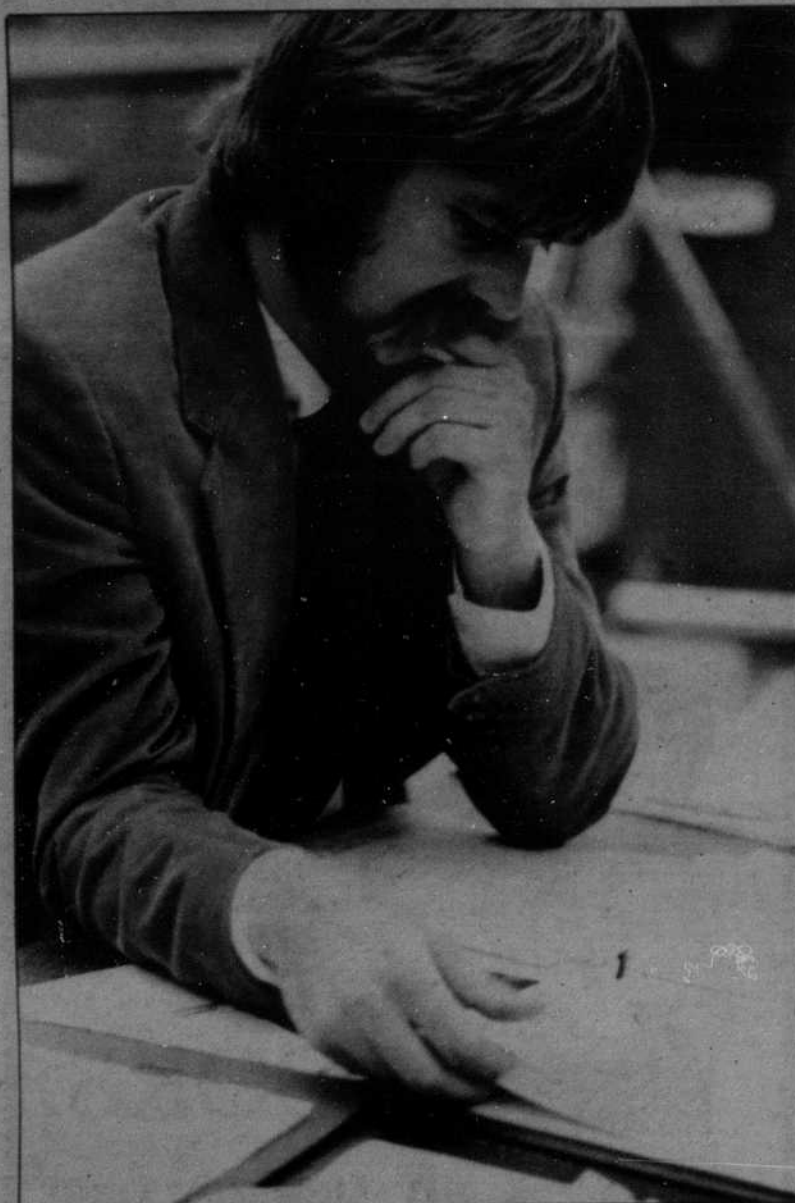
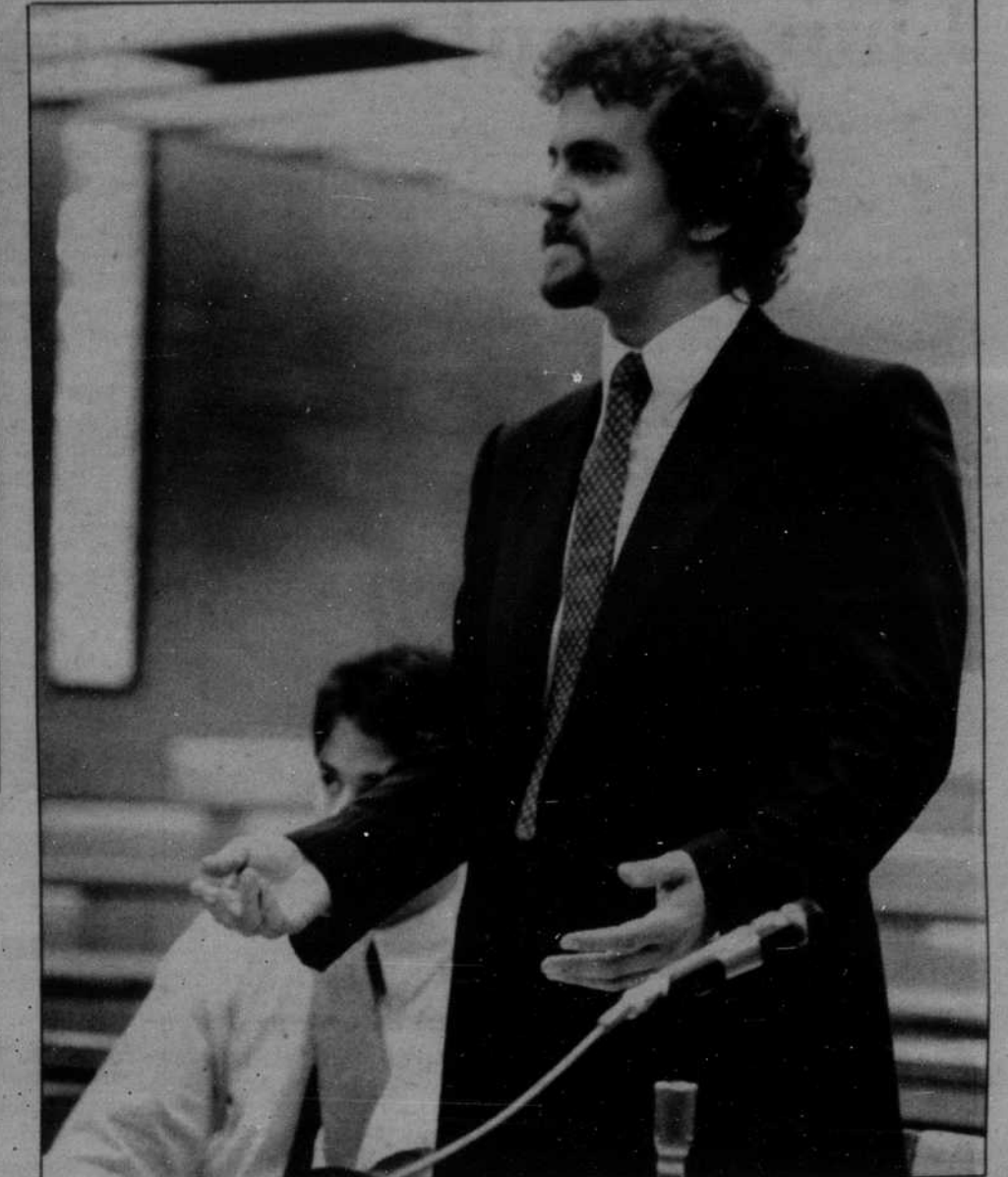
Like other students involved in the class, law student Kristin Margolf put in 30 to 40 hours of work as a prosecuting attorney in the cocaine case. But even after the verdict was in, she says she was still nervous.

"I still have a horrible knot in my stomach, and I feel real awkward," Margolf says after the trial, adding that she wouldn't want to do it again.

Story by Linda Hahn
Photos by Karen Stallwood



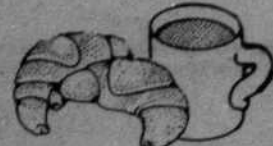
Clockwise from the top: Plaintiff Ken Atel sits in the witness stand and prepares to answer a questions while Judge Pamela Schultz keeps close watch on the action; Prosecuting Attorney Brendon Alexander stands up and vehemently argues his client's case; Prosecuting Attorney Rick Diaz approaches the bench to consult with Judge Schultz; prosecution witness Brenda Sanders gives testimony after questioning during the lengthy trial; and defense attorney Karl Ferrier reviews his notes and prepares questions during his client's trial.



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