

1-1-1996

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UB Law Forum

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Recommended Citation

UB Law Forum (1996) "Winning Techniques: UB's Trial Technique Program has Shaped Generations of Attorneys," *UB Law Forum*: Vol. 9 : No. 1 , Article 23.

Available at: https://digitalcommons.law.buffalo.edu/ub_law_forum/vol9/iss1/23

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Winning Techniques

UB's Trial Technique program has shaped generations of attorneys

As UB Law's Trial Technique Program celebrates its 35th anniversary, it is looking forward to a strong future. It is building on three-and-a-half decades of success in training third-year students in the fundamentals of trial practice. Over the years, the program has proved highly successful. Generations of UB Law students have come through the course wiser to the ways of the courtroom — and many with a lifelong taste for litigating.

In structure, it's simple. Students spend a semester learning about the components of a trial, and at the end they converge on the downtown Buffalo courtrooms for a mock trial. There they practice their skills in carefully selected civil and criminal cases, before volunteer judges and juries composed of high school students. In one semester, they progress from courtroom neophytes to "on-their-feet" advocates.

"You'll see students come in at the beginning of the semester, and they can barely tell you their name without reading it off a sheet of paper," says

Charles H. Dougherty, a member of the Buffalo law firm of Albrecht, McGuire, Heffern & Gregg who taught Trial Technique for 20 years and has administered the program for the past six years.

"By trial day they're up there giving opening statements and closing remarks. They really blossom."

"Law students often do not have an opportunity to stand up and speak to a group," says Daniel T. Roach '53, a partner in the Buffalo law firm of Roach, Brown, McCarthy, Gruber and Chiari who has taught in the program for 25 years. "Trial Technique permits that. For some stu-

dents to do that, it requires great courage.

"I remember a woman who was almost unable to talk when she was first put in that position, but as the semester went on she got better and

better. Finally she won one of the awards for excellence in trial technique and went on to become a first assistant district attorney."

Those who have been involved in the program say its solid School-Bar connection makes the experience invaluable for those on both sides of the lectern.

"The teachers in the program have been there, and tried cases. They know what works and doesn't work," says Terrence M. Connors '71, who does civil and criminal litigation with the Buffalo firm of Connors & Vilardo, and has taught in the Trial Technique program for four years. "It is a nice dose of realism injected into the theoretical framework that is the Law School. We can tell students what really works, what really happens in the courtroom and how to handle the unpredictable.

"It's a wonderful introduction to how interesting trial practice can be — and how demanding it can be."

"I do it for the same reason that people coach Little League baseball," says George R. Rich, a partner in the Hamburg law firm Magavern, Kanaley, Rich and Bencini, who has taught Trial Technique for 15 years. "There's a tremendous amount of satisfaction derived from seeing these people come in, working with them, and seeing them come out a little further down the road.

"The students work very, very hard at this program, because it's different, it's exciting. They haven't done anything like this before. I've seen some terrifically creative approaches."

"We teach them how to respect the judge, how to prepare witnesses, how to give opening statements to a jury, how to make motions at the proper time, and how to communicate confidence. It's crucial to impress upon the jury that you believe in your client's cause."

The "technique" of the course's title is a catchall. "We teach about demeanor in court, how to appear, how to address a jury," states John T. Frizzell '55, a partner in the Buffalo law firm of Williams, Stevens, McCarville & Frizzell whose Trial Technique teaching reaches back more than 15 years.

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"The real goal is to teach some practical skills so that students are able to walk into a courtroom without panicking and present themselves in as professional a manner as possible, given the brevity of the experience," says Hon. Hugh B. Scott '74, U.S. District Court magistrate judge, who has taught in the program for more than a dozen years.

"The consequence of not exposing people to a course like this is that they may have someone's property or liberty at stake early in their career, and fumble. We try to prevent that."

Hon. Joseph P. McCarthy '61, an Erie County Court judge who has

taught in the program for two decades, says the students he sees are "usually very good on opening and summation, because they're able to sit down and reflect. It's more of a narrative. Cross-examination proves the most difficult skill for them to acquire. There's a discipline to cross-examination, a degree of control to the witness that has to be

maintained, that is not natural to every person. The need for control on cross-examination is a difficult art."

Hon. Vincent E. Doyle '56, the administrative judge for the Eighth Judicial District of the New York State Supreme Court, has taught Trial Technique since the 1970s.

The program, he says, is "a real slice of the world of litigation — lawyering in a courtroom." He teaches his sections

downtown in a working courtroom, "so students get an idea of what a courtroom looks and feels like, and they learn to work comfortably in one."

When Herbert L. Greenman '72 took Trial Technique as a student, he says, "It was strictly try-your-case. The perspective has changed. We discuss how you get to various points in a case, how you get to the point of trial. There's a lot of correlation to the real world. What are the personalities you will encounter outside the courtroom? How do you settle, or plea-bargain? We try to give practical insight on all aspects of a case, because after all, most cases are not tried." Greenman, a

partner in the Buffalo law firm of Lipsitz, Green, Fahringer, Roll, Salisbury & Cambria, has taught the course for 15 years. He says he sees a lot of his former students in the course of his work — and even "sneaks in" to see them on trial.

For many third-year students, Trial Technique is the time at which they make a crucial career decision. It was that way for Terry D. Smith '66, whose practice concentrates on civil litigation.

"That course shaped my career," Smith says. "Many law students dream about doing trial work, but when I went there, the Law School didn't provide much exposure for that type of practice. This was the one course that gave you an indication of your ability to handle trial work, a glimpse of your aptitude. It showed me that I might have some potential. I really had no idea before then."

His daughter Carrie L. Smith '89 practices with him, and speaks fondly of her Trial Technique experience under the tutelage of Charles H. Dougherty.

"It was one of the best courses I took at UB, and one of the most practical," she says. "Charlie Dougherty was a wonderful teacher. I remember him teaching us cross-examination, and telling us to practice it during our daily lives: cross-examine your car when it breaks down, your dishwasher, your dog. He encouraged us to have as much exposure to it on our own as is possible."

Carrie Smith's experience in that course, like thousands of other practicing attorneys who attended UB Law School, was a major step forward in her transition from student to practicing lawyer. ■

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