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Innovative course in advanced trial technique hones students' skills

The course is called Advanced Trial Technique, and the UB Law School students who were learning the intricacies of litigation work this spring certainly showed they had advanced in skill. The innovative course gives students academic credit for preparing for and participating in trial team competitions. Three teams of students progressed far into the final rounds of two such competitions this spring.

"They know that it is good training to be trial lawyers," said Thomas P. "Tim" Franczyk, the Buffalo City Court judge who oversees the Advanced Trial Technique program. And it is no cakewalk: The students meet four or five times a week, Franczyk said, "working on different aspects of the case program; we evaluate their performance, and they come back the next day and do it again."

Franczyk was one of the coaches from the Western New York legal community who took a four-student UB Law team to the St. John's Invitational Tournament in the New York City area. In the 16-team tournament, UB's team – Sara Ogden, Matt Coseo, TerryAnn Llewellyn and Jamie Halavais – defeated teams from Michigan, Indiana and Houston to progress to the final round, before losing to the University of Florida team. The cases were argued before attorney judges in locations at St. John's Law School and in the Nassau County Supreme Court building.

"That type of experience, that type of pressure brings out the competitive spirit of the students," Franczyk said. "The competition itself brings out the best in them. All the work they have put in really blossoms during the competition. And with this particular team, the best I saw them perform was at the competition."

The civil case at issue concerned a woman who alleged she had been mistreated by police and emergency medical technicians who had intervened after she apparently became suicidal in her home. She was alleging that the city had violated her civil rights.

The UB Law team had to argue both

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– Buffalo City Court Judge Thomas P. Franczyk*

sides of the case in various rounds; second-year student Sara Ogden argued for the defense.

"It was the best experience I have had in law school," Ogden said. "I loved it. It really prepares you for real litigation practice. If that is what you intend to do, this is an opportunity not to be missed."

As for the course itself, Ogden said, "I think you spend significantly more time preparing than you would in preparing for any other two-credit class. It is five nights a week, three or four hours of practice, plus preparation at home."

Two three-person teams from the Advanced Trial Technique course also competed in the National Trial Competition regional in Albany, where both advanced to the semifinal rounds. Individual students also took high honors for their oral advocacy, including John Ford at No. 2, Divitta Alexander at No. 9 and Megan Culliton at No. 10. The other student team members were Dan Morris, Leslie Travis and Kate Houghton.

The fact-based civil case was called *Elroy Fudd v. Caskets R Us*. The plaintiff had purchased a casket from the local funeral home in which to bury his 425-

pound grandmother. But as the pallbearers were carrying it to the gravesite, the unfortunate woman's body broke through and went rolling down the hill. The question at issue was one of liability.

"We had two really strong teams," said attorney Diane LaVallee '83, formerly of the New York State attorney general's office in Buffalo, who was a principal coach along with Julie Atti '03 and Kristin St. Mary '03. "There were no weak links in either team. This was probably first time UB sent two teams to the semifinals. We started practicing in January and spent a long time with these people."

Third-year student John Ford was within one point of taking the honors as top individual oralist. "You are judged on a combination of your trial skills, your advocacy skills and your presentation in the courtroom," he said.

He served as the "swing" member of his team – he was ready to argue for either side. "Since you have to know both sides of the case, it almost can work to your benefit," he said. "As a defense attorney, you have to know what the plaintiff is going to come at you with, and vice versa."

Of the trial competition, Ford said: "If there is anything I have learned, it is how important preparation is. It seemed sometimes that we spent every waking moment on this closing argument, or that cross-examination, and on and on. You are actually learning how to think on your feet, learning how to make an argument. This is a way to be around attorneys who have tried cases in courtrooms, and the experience and being able to deal with these attorneys has just been unbelievable for all of us."

Others who helped coach and teach the teams were James Grable Jr. '96, Brian Melber '96, Chris O'Brien, Brandon Portis '99, Andrew Fanizzi '99 and Peter Kooshoian Jr. '01.