



Trial Advocacy Clinic

Benton & Franklin Counties Office of Public
Defense

Winter 2014

Cross-Examining the Fact
Witness & Humanizing
Yourself and Your Client
for Best Trial Results.

Interested in taking your trial skills to the next level?

The Winter 2014 Defender Trial Advocacy Clinic, will be held **Friday, December 19, 2014, from 8 am to 5 pm** at the **Benton County Justice Center**. Sponsored and presented by the Benton & Franklin Counties Office of Public Defense, this dynamic and intensive program will combine classroom sessions with realistic, practical simulation exercises in a real courtroom, to hone your trial advocacy skills.

Ideal for public defenders with six months to three years of trial experience, this year's Clinic will focus on two very important components of trial skill: **Cross-examination of fact witnesses & the fine art of humanizing yourself and your clients to obtain the best trial results**. This Clinic is open only to public defenders employed by or contracting with the Benton

& Franklin Counties Office of Public Defense, and is pending approval for **7.5 General CLE Credits (including 1.0 hrs of ethics credits).**

Program Outline

8:00 – 9:00 (Health Department Classroom)
Lecture/presentation on “Cross Examination of Fact Witnesses”
Scott Johnson

9:00 – 9:15 **Break**

9:15 – 12:00 (Superior Courtroom TBD)
Practical session applying principles from lecture to mock jury selection and closing.

12:00 – 1:00 **Lunch**

1:00 – 2:00 (Health Department Classroom)
Lecture/presentation on “Humanizing yourself and your client for best trial results” **Brian Roach**

2:00-2:15 **Break**

2:15 – 5:00 (Superior Courtroom TBD)
Practical session on Cross Examination of Fact Witnesses

Eligibility

This Clinic is **ONLY** open to public defenders who are employed by, or hold a public defense contract with, the Benton & Franklin Counties Office of Public Defense.

Space is limited to 8 participants and slots are filled on a **first come first served** basis. All applicants (other than BFOPD staff) must fill out an Application Form (next page) and if you are interested, your early application is encouraged.

Cost

The cost per participant is \$12. Please bring **cash** on the morning of the Clinic. This fee will go toward providing lunch for everyone (Subway sandwiches) including the instructors and 6-8 actors who will be assisting, and also possibly water and coffee throughout the day.

Just what is a “Practical Session” you ask?

It is an intensive, hands-on session in a simulated trial environment designed to give participants the opportunity to apply what they learn in lecture sessions. The Practical Sessions at the Trial Advocacy Clinic will be held in actual Superior Court courtrooms and will benefit from the assistance of local actors who will be playing various roles to make the training that much more realistic.

Practical Sessions follow this sequence:

- Student participates in timed simulation of particular trial component (eg Jury Selection). *This is videotaped.*
- The in-court faculty member provides a live critique mostly focusing on *substantive* aspects of the simulation.
- The student views the videotape of their simulation in another room with the video critique faculty member who provides critique on *stylistic* aspects of the simulation.
- In certain Practical Sessions, students are afforded the opportunity for a short “do-over” after the critiques if they desire.

Practical Sessions have been shown to be one of the best ways to develop excellent trial advocacy skills and they are regularly used in intensive trial advocacy courses and clinics around the country!

Scott Johnson, Attorney at Law

Scott is in private practice at the law firm Mendoza & Johnson, P.S. where he has been since 2009, and holds one of Benton & Franklin Counties' homicide/persistent offender defense contracts. His practice focuses on criminal defense and civil litigation. Prior to his entry into private practice, Scott was a Deputy Prosecutor at the Benton County Prosecutor's Office for over 12 years, spending the last 5 of them as Chief Deputy Prosecutor. His experience at the Benton County Prosecutor's Office has not only intimately acquainted him with the local criminal justice system, but has also given him exposure, often in a supervisory capacity, to the full range of misdemeanor and state crimes, from simple cases to complicated homicides.

Scott has tried over 150 criminal cases to juries, has argued before the Washington State Supreme Court and Court of Appeals and has volunteered his time to coach mock court teams.

Bryan Roach, Attorney at Law

In his thirteen years of practice, Brian Roach has exclusively practiced in the area of DUI defense, and is considered a trial lawyer by his peers, having taken countless cases to verdict. He is the third generation of trial lawyers in his family. Brian is the former Vice President of the Washington Association of Criminal Defense Attorneys, and is a former board member. He is a member of the Washington State Association for Justice, American Association for Justice, and the local, state and federal bars. He was named a 2010 Rising Star by Washington Law and Politics and is a published author on the topic of DUI defense. He lectures annually at various CLE seminars on the topic of DUI, and has taught on the topic of criminal defense as a mock trial coach for ten years at Tri Cities Prep, as well as lecturing in their Street Law class. He studied political science as an undergraduate at Seattle University and received his law degree from Gonzaga in 2001.

Eric Hsu, Attorney at Law

Eric is the Public Defense Manager for the Benton & Franklin Counties Office of Public Defense, a position he has held since 2008. Previous to that, Eric's criminal justice career spanned almost nine years and included time spent as a police officer, police academy legal instructor, police legal advisor, and felony prosecutor.

As a felony prosecutor, Eric tried over 80 cases to juries, ranging from DUIs to Attempted Murder and Murder cases and was a graduate of four week-long trial advocacy courses at the National Advocacy Center in Columbia, SC. Eric also spent four years as adjunct faculty with the National District Attorney's Association and was an invited lecturer and instructor for numerous training conferences throughout the country including intensive trial advocacy clinics at the National Advocacy Center.