

ZEALOUS ADVOCACY IN LAW SCHOOL

Professors Fallica, Hetu & Rodriguez.

Tuesday/Thursday 7:30pm

Tentative Purpose and Course Description

This 3-credit course is a program collaboration between the Committee for **Public Counsel (CPCS)** and the **Massachusetts School of Law**. This course will provide students with the education and training necessary to enter the practice of indigent criminal and delinquency defense. Enrolled students will learn how to defend a criminal and delinquency case from bail to trial. Our class will run as a simulation course that will provide students with experience in legal research, legal writing, oral advocacy, client interactions, motion practice, and trial skills. The culmination of this course will be a mock trial for all students to participate in. Upon completion of the course, students are eligible for application to become **3:03 certified** and the ability to apply for a waiver of the **CPCS Zealous Advocacy** training requirement. Students will be encouraged to apply to a local **Bar Advocate Program** when eligible; however, this course does not automatically guarantee acceptance to a **Bar Advocate Program**.

This program incorporates both in and out-of-class work, with a strong focus on on-your-feet trial skills. Our instructors are **Shane Rodriguez, Valerie Fallica, and Jim Hetu**. All of the professors have completed the **Zealous Advocacy training** and are **Essex County Bar Advocates**. Professors **Rodriguez, Fallica, and Hetu** will team up with several members of the local bar advocate programs to provide the students with an in-depth overview of the **District and Juvenile Courts** and the life cycle of a criminal and delinquency case. Guest lecturers will be heavily utilized to allow the students to interact with and make connections with local attorneys who practice indigent criminal and delinquency defense.

In this class, we invite attorneys who are in criminal defense practice as guest faculty to speak or lead small groups. We think it's important for students to see different styles/hear different advice and also get to network with practicing lawyers. We are always open to feedback on guest faculty.

Students will be provided with oral feedback after each substantial simulated exercise from faculty and guests. Feedback comes either orally or in writing. For the in-class small group exercises, you will receive written feedback on a graded rubric or oral feedback from the professors and/or guest faculty. For written work, there will not be specific feedback, because the assignment is there to help you think through a process, such as developing a theory of the case or a cross examination, instead of developing a specific writing or research skill.

Contact Info

These are their personal cell phone number.

Please use this for class related or business purposes only.

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for the Future*



Plagiarism Policy

You are part of a learning community and are encouraged to discuss your work and assignments with classmates. In this course, there are many opportunities to collaborate on certain projects. However, all written work except where indicated must be your own, contain proper attribution, and fully comply with the **Honor Code** contained in the Student Handbook and the **Plagiarism Policy**.

Attendance Policy/Remote Learning

Massachusetts School of Law requires regular and punctual class attendance. Students are expected to attend every class and be fully prepared to discuss the assigned material. If you are unable to attend class or you are unprepared to participate, please notify us before class. This policy reflects the belief that dependability is an essential characteristic of a good lawyer. The objectives of the policy are to ensure academic success, of which attendance is a major component, and to develop good professional standards. Attendance is expected at every class session.

Students must come to class prepared to brief cases and for class discussion. You are expected to be in class to participate. **Individuals who have more than 2 absences during the semester may have their semester grade lowered by as much as one-third of a grade or be given an incomplete for this course.** Absences will be excused at the discretion of the professors for medical emergencies or extreme hardship.

Grading

Grading will be based on accumulating points during the semester by turning in work on time and performing well on in class assignments. A breakdown of points will be given at the start of the semester.

Late Work Policy

Late work will result in a point reduction of **5** points per late assignment.

Course Materials

All of the readings and videos will be posted on **TWEN** unless we advise you otherwise. We use a lot of **Committee for Public Counsel Training Department** materials as well as materials and case problems we have created ourselves. Therefore, we ask that you sign a **confidentiality agreement** not to **use, copy, discuss** or **disseminate** the materials outside of our class without permission.



The Fifth Amendment breaks down into five rights or protections: the right to a **jury trial** when you're charged with a crime, protection against **double jeopardy**, protection against **self-incrimination**, the right to a **fair trial**, and protection against the **taking of property** by the government without compensation. FindLaw.com

Classroom Decorum

All students are expected at all times to conduct themselves in a civil manner as follows:

Timeliness. Arrive on time. Late arrivals are disruptive. Frequent late arrivals will be excluded from the classroom.

Cell Phones and Messaging. There will be *no cell phone use in class*, with the exception of extraordinary circumstances. All cell phones must be turned off before the class begins.

If there is a family emergency requiring you to be reachable, approach me before class and inform me of the situation. In such an event you may keep your cell phone on if it has a “vibrate” only option.

In the event that your cell phone or other device disturbs the class you will be told to leave the classroom immediately and will be marked as absent for the class.

Laptop Computers. While many colleges and professional school are banning laptop computers form classroom, I believe that they can be a useful classroom tool. Arrive early enough to start your laptop prior to class such that start up noises will not be disruptive to other students.

If I determine that you are using the computer for other than legitimate classroom purposes you will be immediately told to leave and will be marked absent for the class.

Talking in Class. This is an interactive class, and it is normal for there to be a bit of a “buzz” while we are discussing a case, a principle or a hypothetical. You are expected to listen while others are talking and to respond when called upon. Civility is expected at all times by all students.

Eating/Drinking in Class. Eating in class is strongly disfavored. I understand that stressed-for-time students are often unable to take meals at normal hours, and therefore snacks and drinks will be tolerated as long as they are not disruptive. I will not tolerate full meals, full “submarine” sandwiches, or anything of the like. I also will not tolerate undue noise such as stubborn plastic wrappers. I will ban all foods and drinks in class if, in my opinion, they are becoming a distraction.

Civility Above All Else. Each of you will be treated at all times with courtesy and respect, and will treat others with equal civility at all times. In our class discussion, we will argue issues but never personalities.

Notes on Tape Recorders In Class

I follow the syllabus and I test what I teach. Do all the assigned readings and attend class and you will be prepared for the exams. It is necessary that you develop an effective method of recording and retaining the materials as they are taught and discussed. Because classes are interactive it is not advisable to take copious notes. Research strongly indicates that students who attempt to use word processors to “**transcribe**” class discussions perform less well on exams than do those students who actively participate in class. Use of tape/digital recorders are allowed in this class and may be preferable for you.

The purpose of the class is to learn the law through discussion. By doing so, you will develop the analytical skills necessary for excellence as a competent attorney. This is unlikely to be achieved if your focus in class is merely being a scribe.



TEAMWORK

Class Schedule

Class 1 August 19, 2025

Prior to Class:	
Watch	<ul style="list-style-type: none"> • Navigating the Courts (6 minutes) • Felonies, Misdemeanors, District Court, What Does it All Mean (18 minutes) • Sources of Massachusetts Law (7 minutes)
Read	<ul style="list-style-type: none"> • Storytelling in the Courtroom • Trial By Design
Do	Sign and bring Confidentiality Agreement to class
Lecture	Course Introduction, CPCS v. Bar Advocate, and How a Case Gets to Court

Class 2 August 21, 2025

Lecture	Duty Day Overview, Assignment of Counsel, and Client Intake
Due for Next Class	Read: <ul style="list-style-type: none"> • M.G.L. c. 276 § 42 • M.G.L. c. 276 § 42A • M.G.L. c. 276 § 58 • Brangan v. Commonwealth • Commonwealth v. Norman



Class 3 August 26, 2025

Lecture	Bail and Criminal Records
Due for Next Class	Read: <ul style="list-style-type: none"> • M.G.L. c. 276 § 58B • Bail Revocation Cheat Sheet • Assaults on Liberty: Bail Revocation & Dangerousness Hearings

Class 4 August 28, 2025

Lecture	58B and Bail Reviews
Due for Next Class	Read: <ul style="list-style-type: none"> • M.G.L. c. 276 § 58A • 58A Force-Clause Predicates, Bogus and Valid • Practice Advisory: BOLO for Bogus 58A Predicates (Comm. v. Escobar) • On TWEN for an Extra Resource: <ul style="list-style-type: none"> • Massachusetts Witness Representation Handbook

Class 5 September 2, 2025

Lecture	<ul style="list-style-type: none"> 58A and 5th Amendment
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Class 6 September 4, 2025

Exercise	<ul style="list-style-type: none"> Students will break out into small groups to practice their bail arguments and 58A.
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Class 7 September 9, 2025

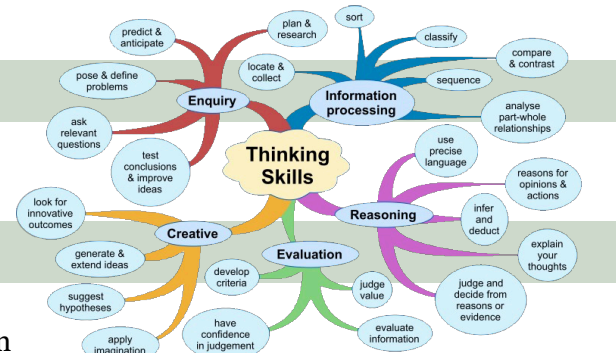
Exercise	<ul style="list-style-type: none"> Mock Duty Day
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Class 8 September 11, 2025

Exercise	<ul style="list-style-type: none"> Mock Duty Day
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Due for Next Class

- Read:
 - Commonwealth v. Lampron
 - Commonwealth v. Dwyer
 - Crim. R. Crim. P. R. 14
 - Crim. R. Crim. P. R. 17

**Class 9 September 16, 2025**

Lecture	<ul style="list-style-type: none"> Rule 14 and Rule 17
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Class 10 September 18, 2025

Lecture	Theory of the Case, Using Private Investigators and Experts
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Due for Next Class

- Read:
 - Pozner on Cross: Constructive Cross-Examination
 - Cross-Examination Principles

Class 11 September 23, 2025

Lecture	Cross Examination
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Due for Next Class

- Watch:
 - Impeachment Demo #1 (13 minutes)
 - Impeachment Demo #2 (7 minutes)
 - Impeachment Demo #3 (11 minutes)
- Read:
 - Rac 'Em Up

Class 12 September 25, 2025

Lecture	<ul style="list-style-type: none"> Impeachment and Introducing Evidence
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Class 13 September 30, 2025**Lecture** Objections**Due for
Next Class**

- Read:
 - Commonwealth v. DiBennadetto
 - Motion to Suppress Instructions

Plea Bargain

Trial

Class 14 October 2, 2025**Lecture** Motion Practice**Class 15 October 7, 2025****Exercise** Students will break out into small groups to practice their cross-examination and Motion to Suppress.**Due for
Next Class**

- Read:
 - Closing Cheat Sheet

Class 16 October 9, 2025**Lecture** Closing**Due for
Next Class**

- Watch:
 - Common Mistakes to Avoid in Opening (3 minutes)
 - How to Construct a Powerful Opening (8 minutes)

Class 17 October 14, 2025**Lecture** Opening Statement**Due for
Next Class**

- Watch:
 - Direct Exam Demo (11 minutes)

Class 18 October 16, 2025**Lecture** Direct Examination and Choosing Witnesses**Class 19 October 21, 2025****Exercise** Students will break out into small groups to practice their direct examination, opening, and closing.**Class 20 October 23, 2025****Lecture** Trial Overview, Trial Binder, Motions in Limine

Class 21 October 28, 2025**Lecture** Pleas and Case Dispositions**Due for
Next Class**

- Read:
 - Probation Primer
 - Probation Sentencing Cheat Sheet
 - Probation Table of Cases

**Class 22 October 30, 2025****Lecture** Probation**Class 23 November 4, 2025****Exercise** Students will break out into small groups to practice their plea argument and a probation final surrender argument.**Class 24 November 6, 2025****Lecture** Section 12 and Section 35**Class 25 November 11, 2025****Lecture** Competency and Criminal Responsibility**Class 26 November 13, 2025****Exercise** Students will break out into small groups to practice their Section 35 argument.**Class 27 November 18, 2025****Lecture** Juvenile Court**Class 28 November 20, 2025****Exercise** Final Exam**Class 29 November 25, 2025****Exercise** Final Exam**Fall 2025**

Fall 2025			
Official Semester Start	August 11, 2025	Thanksgiving - No Classes	November 27 & 28, 2025
First Day of Class for Comparison Students	August 11, 2025	Last Day of Class, 1st Semester	December 1, 2025
Orientation	August 11, 13, 14 and 23, 2025	Study Week	December 2 – December 7, 2025
First Day of Classes for All Other Students	August 18, 2025	Registration for new and returning students	December 8, 2025 (8 A.M. - 7 P.M.)
Labor Day - No Classes	September 1, 2025	Exams	December 8 – 18, 2025
Indigenous Peoples' Day - No Classes	October 13, 2025	Level 1, Level 2 & Level 3 Assessment Tests	December 18, 2025