

FINAL EXAMINATION

TRIAL ADVOCACY - FALL SEMESTER, 1997
MANLEY F. BROWN - ADJUNCT PROFESSOR

INSTRUCTIONS:

The trial book, which you have already submitted to me, will constitute a possible 60 points toward your potential final grade of 99 points in this course. This examination will be graded on the basis of a possible 39 points, making a perfect score for the course, 99. The questions are not designed to be deceptive in nature, but do require cautious and studious consideration prior to the writing of your answer. Assume that all trial situations outlined in the examination are in a Georgia Superior Court.

(1)

In a personal injury case pending in your office, you receive an answer to an interrogatory advising you that Dr. John Van Stucken will serve at trial as an expert witness for the defendant. As part of your investigative preparation for the plaintiff, you discover that Dr. John Van Stucken, a famous accident reconstructionist, has developed serious mental problems and that he was recently involuntarily committed for six (6) months intensive care at a mental health institution. You have in your possession certified copies of documents which verify the above but you want to wait until trial to use those documents.

Assuming that you are not required to reveal the documents before trial, what procedure would you employ in order to use the documents to disqualify or impeach Dr. Van Stucken?

(2)

You are representing a local minister who is the defendant in a fraud action. He has always, as far as you know, been an exemplary citizen in the community. He has a sterling reputation for working with the poor and homeless.

As part of his defense, can you call a good character witness? If you do call such a witness, what questions will you ask?

(3)

(a) You desire to prove in court the inscription on a local immovable granite monument. Can you do this, consistent with the best evidence rule?

(b) Your client, Grandma Moses, has lost the original Deed to her home which she normally carried with her at all times. Can you prove up this deed in court without accounting for the original? How?

(4)

Briefly Define the Following:

(a) Offer of proof:

(b) Motion in Limine:

(c) Golden Rule Argument: