



# **NCDC Trial Practice Institute**

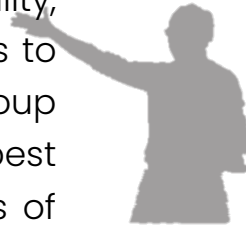
## **Teaching Manual 3.0**

### **I. Preface**

#### A. General Principles

You were chosen to join the NCDC faculty for your individual skills and approaches to lawyering and teaching. This guide is not meant to remove your individual personality from our approach to teaching. Instead, it is meant to articulate a set of core ideas that we all agree are NCDC's approaches to teaching and learning. While this guide is meant to support visiting and new faculty as they join us to teach in their first few years, it is also meant to provide all faculty, including returning faculty, with a framework of which principles should, at a minimum, be discussed in lectures, modeled in demonstrations, and reinforced in small breakout sessions.

Small group coaching is an opportunity for attorneys from around the country to bond with one another, in a setting of trust and vulnerability, and to hear from a variety of teachers and approaches about ways to improve courtroom skills and performance. At the heart of small group coaching is the transfer of ideas to help participants grow into the best lawyers they can be. Honest critiques are necessary to the process of getting better, but demeaning, condescending, mean-spiritedness will not be tolerated. Creative approaches to working on skills are strongly encouraged. We hope participants can find their own voice and discover their own strengths while simultaneously learning from each of you and each other.



As we, as a faculty, grow each year, we also become more diverse. Our participants represent a diverse group of lawyers, as well. It is important that we, as a group, challenge ourselves to be thoughtful about inclusion and privilege in our presentations and in our interactions in small breakout sessions. As we create our presentations and formulate our direct comments to participants, it is important for all of us to bring a consciousness and awareness of our own implicit biases. Certainly, we are not immune from such thoughts and viewpoints.

As defense attorneys, we often “call it as we see it” and make comments about optics. The truth is NCDC has received feedback that we, as a faculty, have played a part in perpetuating stereotypes and have failed to see that our language and observations have been offensive at times. So, we ask that as you consider your vocabulary and approach, also consider the listeners’ potential race, ethnicity, gender and disability, etc. whether known to you or not. Some graphics and terminology are unnecessarily culturally insensitive.

Reconsider feedback that may be perceived as tied to gender, race, and/or ethnicity. As small group coaches, we also ask you to be mindful of the vocabulary and approach of your co-teacher and the participants, to point out offensive language or approach that is hurtful to others in the room. It is our job to make this a safe space for everyone. And remember, some of our participants (frankly more, every year) have been personally affected by the systems in which we work. When we talk about these systems, we should be mindful of the impact those discussions might have on those affected.

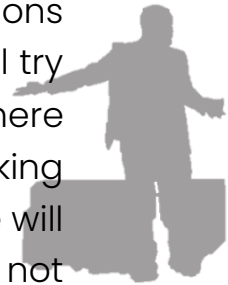
Finally, we ask that when discussing clients, be mindful of the complexity of their lives and their humanity. If others in your groups speak in negative and insensitive ways about clients, we ask that you consider bringing it to the attention of the group and talking about ways to rethink how we view and talk about the people we represent.

## B. Expectations for Lectures

NCDC lectures should be engaging, inspiring, and informative (never boring). There are probably as many styles for presenting a lecture as there are faculty members. Whatever your style may be, it is important that your lecture include the core concepts set forth for each topic, below. It is encouraged to incorporate brief demos within lectures (**but please do not use the four TPI cases**). Please stick to the time allotted for the lecture. Also, be sure that any PowerPoint or other presentation software utilized during your lecture is not used as a crutch or simply a substitute for a teleprompter. Please model well done visual and other multimedia aids. The Deans will be reviewing all presentations in advance of the program and are also available to discuss your lectures prior to that, if desired.

## C. Expectations for Demos

NCDC demos must model what has been taught in the lecture and small groups, help participants to understand the effectiveness of what is being taught, and inspire them to envision a better and more effective version of themselves as trial lawyers. It is unacceptable to show a whole different way of doing a skill that is not what was taught in the lecture and breakout sessions. Faculty presenting demos should be prepared to take questions if there is time. Please stick to the time allotted for the demo. We will try to give faculty performing demos floats on the day of the demo where possible, but demo day floats cannot be guaranteed. If you are working with an actor to perform your demo (direct, cross, impeachment), we will secure an actor from our acting troupe to play the witness. Please do not ask another faculty member to be your witness. If you would like to talk with the actor in advance of the demo, please let us know as early as possible and we will help you get in touch with that actor.



## D. Teaching Small Group Breakout Sessions

Planning and Co-Teaching: Whether you are teaching alone or with a co-teacher, make sure you have a plan about how you want to approach that particular small breakout session **before** you begin. If you have a co-facilitator, do not start the session without the co-facilitator unless it is unavoidable.

Meet in advance and make sure you agree on the approach for the session. This includes whether you will both give feedback to each participant, or if one will take the lead and the other will follow up with more concise comments (if necessary), (or some other approach, i.e.: only one instructor give feedback to one participant).

Avoid Repetitive Comments: When two faculty members are giving comments, please try to avoid consuming time by repeating comments already made by your co-teacher other than to note your agreement if you do agree.

Co-teaching with a visiting faculty member: This is an important responsibility. Be respectful of their experience and perspective as well as being mindful of any race, gender, or ethnicity difference that might impact on the dynamic between you as co-facilitators. These are lawyers who were chosen by us from an excellent field of potential visiting faculty members. They all come with skills and experience. Make sure you create space for them to teach. Take time to share your creativity and experience with them. Also, please allow time to observe their skills at running the room independently. When assessing whether visiting faculty will be invited to return in the future, we will look to you for feedback on their skills and potential.

Video Recording: Please encourage participants to record their performances with their devices (which is the only reason a device should be visible at all during a small group breakout session). Watching one's own performance is very valuable and has been an NCDC feature for many years. It is important to us that we do not lose that tradition. You could offer to meet with a participant and review their video outside of your small group if you think that would benefit them. Or, you could recommend to a participant that reviewing the video might be helpful to them.

Constructive and Creative Encouragement: Small group feedback must be more than comments about the participants' performance, in list form, of the concerns you see that need to be corrected. Remember that the

participants are anxious and feeling insecure. They want to learn but they also want to impress you and the others in the room. Be mindful of building confidence in all that you say and do. (On the other hand, false flattery is also not helpful for anyone.) We strongly believe that NCDC is all about finding one's own unique power and voice. Identifying and articulating positive feedback (something you like about what the participant did that guides and supports that journey) is strongly recommended. You can also find something that you think they should add to their performance that is of value to point out to the group generally. This approach is called "Likes and Adds."

Teaching by Showing: Another way to teach is by showing, i.e. you demonstrate how to do something more effectively. Of course, this needs to be done with care. Demonstrations of a skill should be shown in short snippets with awareness of time and an assessment of whether it is useful for others to replicate. What may be best is to suggest an exercise that is aimed at correcting a concern for the participants. This would follow an observation of yours, with as specific a reference to their performance as possible (you did/said X; we are striving for Y; this is a way to do Y instead; try this exercise.) That exercise should be something you have identified as a way to get the participant to see what you see -- both the issue and a mechanism for them to experience the correction. It might be asking them to try something again or it might be an exercise, one step removed from the correction that allows them to experience the difference.

Critique: As a general matter, faculty should take the lead in critique. However, remember that the participants are together for the entire experience (and we are each only there for one day). Often, they do have important and helpful feedback for one another (and obviously should be encouraged to pay close attention during each other's performances). This is especially true on closing argument day when they can see the

impact of the full two weeks of TPI. You can also identify tasks for the participant to have while others are performing. Those tasks should reinforce important skills we are teaching. (ie: "Participant Y, can you keep track of any tags Participant Z uses during their cross"). If you choose to do so, make sure the tasks are useful for the participants. Pay attention to whether the tasks are becoming less important over the course of the session so that they are meaningful.

Breaks: We have asked the participants to put away cell phones and laptops to maximize engagement. However, it is important that you allow them breaks to check emails, etc. if they are going to feel comfortable unplugging.

Also, we found this note from our old NCDC Training Teaching Method which is still true in many ways, today:

**Remember these things about our participants:**

- No one at home likes them.
- They aren't sure they like themselves.
- They are at least in the most dedicated 5% because they are here.
- Even when they don't deserve our praise, they deserve our compassion.
- A few of them will soon be faculty.

