

# Introducing the IADC Trial Academy

By Spencer H. Silverglate

Throng of bright young lawyers poured into the main auditorium of Stanford Law School on a cloudless Palo Alto morning in August 2015. Ninety-six lawyers to be exact, hailing from across the United States as well as Canada and Brazil. All had traveled to the heart of Silicon Valley for a singular purpose: to deepen their trial skills. The International Association of Defense Counsel's summer classic—the Trial Academy—was about to begin.

I recently had the great privilege to serve as Director of the 43rd Annual Trial Academy, a trial skills training program presented by the IADC (a DRI sister organization). When I first became involved with the Trial Academy, I thought it was solely about teaching trials skills to inexperienced lawyers. As I came to learn, it was far bigger than that.

The problem of the vanishing jury trial is widely known and well documented. Studies generally have found that less than two percent of cases are tried to verdict. So, why teach trial skills when so few cases go to trial? Two answers come to mind.

The first is obvious—some cases *do* go to trial. They may be rare, but every so often intrepid litigants, unable to resolve their differences, entrust their dispute to the judgment of regular citizens comprising a jury. When that happens, clients need not just a lawyer, they need a trial lawyer. But with so few opportunities for actual trial experience, how will we teach the next generation of trial lawyers? That is where training like the Trial Academy comes into play.

The second reason to teach trial skills is equally compelling. A litigator with no understanding of the trial process cannot *effectively* draft pleadings, engage in motion practice, take and defend depositions, prepare and respond to discovery, evaluate potential trial outcomes, advise a client, handle mediation,



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or prepare for trial. Working up a case for trial without understanding the trial process is like putting together a jigsaw puzzle without having the picture on the puzzle box as a reference. It may be possible, but not advisable. The Trial Academy is not just about teaching trial advocacy; it is about teaching litigation advocacy, starting the moment the new case file arrives.

So what exactly is the Trial Academy? The best way to describe the experience is trial boot camp. Each day begins with students attending group lectures conducted by 14 faculty members. The faculty comprises some of the most experienced and talented civil defense trial lawyers in the country. Like the students, the faculty is diverse in terms of geography, gender and ethnicity. Following the lectures, the students watch the faculty try a hypothetical case. Each aspect of trial is included in the faculty presentations, from opening statement to closing argument and everything in between. Witness examinations are conducted on professional actors playing the roles of lay witnesses and real experts playing the roles of expert witnesses. The faculty competition is spirited, and the students, acting as the jury, vote on the ultimate outcome of the mock trial.

The afternoons are dedicated to breakout sessions in which groups of no more than seven students are led by individual faculty instructors. Like the faculty, students conduct all aspects of a mock trial. As with the faculty demonstrations, the witnesses are played by professional actors and real experts. Each student performance is both video-recorded and critiqued live by the faculty leaders. In the evenings, students attend video reviews with their faculty instructors and are able to ask questions in private, one-on-one sessions. The days are long, but incredibly rewarding.

The Stanford Law School facilities are second to none. The main hall where the lectures take place is grand. The breakout rooms for the students are state of the art, equipped with every technological device available in the modern courtroom. Students reside in comfortable graduate housing immediately adjacent to the law school. And, of course, the setting is amazing. Stanford boasts one of the top law schools in the country, and the fact that it is located in the heart of the technology capital of the

## DRI Presents

### Insurance Law and Claims Conference, October 28, 2015, Hartford, Connecticut

By Lane Finch

DRI and its Insurance Law Committee have designed a brand new program specifically for insurance executives, in-house counsel, and claims professionals. This one-day program, the Insurance Law and Claims Conference, will be held on Wednesday, October 28, 2015 in Hartford, Connecticut. This program is open to all and will address multiple issues impacting the insurance industry while providing CLE/CE credit and excellent networking opportunities.

The topics were developed in concert with leading Hartford-area insurers and will cover recent trends and crucial new authority relative to:

- Discovery of Claim Files: Protecting the Attorney-Client and Work-Product Privileges
- Institutional Bad Faith: Emerging Issues and Strategies
- Effective Management of Policy Limit Demands
- Avoiding Consent Judgments and Collusive Settlements
- Many other issues important to insurers.



Faculty includes attorneys from leading firms, executives and in-house counsel from several large insurers, and the executive director of the Insurance Law Center of the University of Connecticut School of Law. Registration information is now available online.

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world puts an exclamation point on the whole experience.

While some things cannot be learned in a simulation, no matter how realistic, the Trial Academy experience is every bit as valuable as trying an actual case. As the saying goes, practice does not make perfect, it makes permanent (my golf game is a good example of that adage). The best practitioners in any field of endeavor receive hands-on training, coaching, and feedback. Trial Academy students conduct every aspect of a trial in life-like simulations and receive immediate feedback from their trial coaches. Good habits are taught and, through subsequent real life experience, made permanent.

As is typical, students attending the 2015 Trial Academy ranged in experience from junior associates to partners. Some had tried many cases while others had tried none. Regardless of their experience level, all students benefited immensely.

They learned to develop their unique styles and talents for effective advocacy, and they returned to their firms and companies with a renewed commitment to the practice of law generally and for trial work specifically. For many students, the Trial Academy was just the confidence boost they needed to take their skills to the next level. No student left the experience unchanged. The Trial Academy lasts only a week, but it is a week like no other. It is a week in which new skills are learned, hardships are overcome, and life-long bonds are formed.

The 2016 Trial Academy will be led by Director Donald F. "Fritz" Zimmer, managing partner of King & Spalding LLP's office in San Francisco. If you are interested in sending a student to the 2016 Trial Academy, or attending as a student yourself, watch for upcoming details on the IADC website [www.iadclaw.org](http://www.iadclaw.org) or contact Amy O'Maley McGuire at [aomaley@iadclaw.org](mailto:aomaley@iadclaw.org). **FD**