

Trial Academy Provides a Valuable Experience

By Oleksandr Kryvenko

It was a regular day in the office, and I was scrolling through dozens of emails when, suddenly, I came across an email from the New York State Bar Association (NYSBA) regarding the 2019 Trial Academy at Cornell Law School. At first, I thought that it was a great opportunity for me to start the transition from being a mere litigator to a trial attorney, but then the reality presented itself—how could I possibly take a week off from work commitments?

It turned out that my strong desire to attend the program, combined with the generosity and support of both the NYSBA Young Lawyers Section and the law firm I work for, helped me overcome all obstacles and ultimately attend the Trial Academy.

Upon arriving at Cornell Law School, my first impression about the program was how well thought-out and organized it was. Our agenda revolved around key skills that every trial attorney should possess when it comes to jury selection, opening statement, direct examination, cross-examination, evidence, closing argument, and trial ethics. Each trial technique was taught from the perspective of a civil and criminal case, with emphasis on key differences in their application under different types of cases, which a trial attorney must be familiar with.

The program was designed to teach and demonstrate the fundamentals of trial skills by experienced attorneys to the participants during morning sessions, followed by application of the learned skills in small group settings (10-11 participants) in front of seasoned judges, prosecutors, and trial attorneys (“faculty critique”) during the afternoon sessions.

The faculty critique attentively watched the presentations of each participant and constructively commented on what should be improved and how the necessary improvements could be made. Each participant also received one-on-one feedback from a member of the faculty critique, who acted in the capacity of a designated mentor and who had watched the recorded presentation and analyzed the participant’s demonstration of the learned trial skill in the context of either a civil or criminal fact pattern.

The Trial Academy forced the participants to be fully dedicated to the process of learning and mastering their trial skills; even when the program was adjourned at the end of each day, the participants continued to prepare their presentations for the following day. The cocktail receptions and other social gatherings throughout the program allowed the participants to also relax and mingle with one another.

Personally, one of the biggest take-aways from the Trial Academy was the necessity of being mindful of every small detail during a trial. As some of the experienced trial attorneys pointed out, they would never have a glass of water on their desk if the jurors were not provided with the same. Another important lesson was about the attorney’s appear-



ance in the courtroom. Whether the judge makes adverse evidentiary ruling against your client, or your own witness, by his or her testimony, “damages” your case—you should never let such circumstances impair your judgment, confidence, and demeanor.

It is arguable that without any trial or trial-related experience, lawyers could successfully try their first case in court. However, the stakes are often too high to learn trial basics at a real trial. What I do know for sure is that I cannot think of a better way of getting started as a trial attorney than to attend the Trial Academy. The program helped me learn the fundamentals of trial techniques, and most importantly, it showed me a clear path that I need to follow in order to become a competent trial attorney.

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