

## 1 TRIAL TECHNIQUES IN TEN MINUTES

### 2 JURY SELECTION

- Frame your issues/ re-set expectations
- Introduce your theme
- Get them ready to hear the evidence this includes the not-so-good evidence
- And pick the 12 best people to hear the case
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### 3 OPENING

- Opportunity to Frame Your Case
- Frame the Issues and Facts
- Push Your Theme of the Case

### 4 OPENING

- Attention Grabber – Attention Step
- Fact Narration – Tell Your Story
- Exit Line – Says “I am now done”

### 5 CROSS-EXAMINATION

- Ask LOTS of open-ended questions if it’s a named party on the stand
- Keep the responsibility on that witness
- DON’T cross-examine on ALL of it
- Keep questions grouped to 1–3 key takeaways
- Save a lot for CLOSING

### 6 CROSS-EXAMINATION – TAKING CONTROL

- Take control via ways *other* than tone and volume
- DON’T cross in chronology of the direct
- Exhibits – lay foundation & admit, hand them exhibits
  - eg. The gun or the “smoking gun”
- Use Prompts – eg. “tell this jury” – (turn your head)

### 7 CROSS-EXAMINATION OF EXPERTS

- Bias cross
- Attack the opinion via the basis of it or W’s lack of qualifications
- Use their expert to “tee-it-up”
- DON’T cross at all (see bias)
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### 8 IMPEACHING WITH A DEPO

- Don’t cross on depo inconsistencies unless it is TRANSACTIONAL
- Avoid “Do you remember giving ..” or “Do you recall seeing....”
- NEVER refresh recollection on cross! IMPEACH head-on
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### 9 CLOSING

BE PERSUASIVE!

10  **CLOSING**

- Many ways to close
  - Chronologically
  - Topically
  - Utilize Elements Check List
- Structuring your closing
  - Follow Through on Theme
  - Layer the Evidence
  - draw inferences and conclusions

11  **CLOSING**

- Being Persuasive
  - Be Visual
  - Be Credible by Being Truthful
- Not What BUT HOW
  - Voice
  - Gestures
  - Positioning and Movement

12  **TAKEAWAYS!**

**PREPARE**

**KNOW YOUR JUDGE AND JURY**

**BE VISUAL, VERBAL, AND PHYSICAL**

**BE FAIR, FIRM, AND PERSUASIVE.**

**QUESTIONS?**