# TRIAL DO'S AND DON'TS

## AND THE RULES THAT GOVERN

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# Overview

1. The Rules
2. Pre-Trial Do's
3. Trial Don'ts

# THE RULES

## READ:

| Civil Procedure Rule 51 |
| --- |
| Conduct of Trial |

# PRE-TRIAL DO'S

## DO:

- Prepare your case thoroughly
- Know what you need to prove — the law
- Plan how to prove it
- Set realistic expectations for your client

# PRE-TRIAL DO'S (cont.)

## DO:

- Prepare a good pre-trial brief
- Thorough witness preparation
- Consider settlement
- Consider getting help with your case

# TRIAL DON'TS

## DON'T:

- Walk in without a battle plan
- Annoy the judge/jury
- Make rude or sarcastic comments
- Interrupt the judge
- Interrupt opposing counsel
  (unless absolutely necessary)

# TRIAL DON'TS (cont.)

## DON'T:

- Argue with opposing counsel
- Make frivolous objections
- Use "Hollywood" theatrics
- Lead your witness
- Ignore the thousand-pound gorilla

# TRIAL DON'TS (cont.)

## DON'T:

- Be less than tenacious in cross-examination
- Let the witness make a speech
  (unless it's helpful)
- Lose your temper!
- Let them see you sweat when things are going badly

# Thank you.