

# CHAPTER 8

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## COURTROOM PRIMER

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## Courtroom Primer – Tips to becoming a better trial lawyer

- 1. Litigators come in all shapes and sizes**
  - a. The most important quality is to be passionate about trial work.
  - b. Lawyers that prepare for trial have their cases in order.
  - c. The most experienced trial lawyers still get nervous, anxious and stressed but you don't see it.
  - d. The best lawyer doesn't always win the case.
  - e. Every case can be lost. Not every case can be won.
- 2. Always be honest**
  - a. Never over-promise anything to a judge, opposing counsel or your client.
- 3. Respond to clients, court staff and opposing counsel without delay**
- 4. Always work on becoming a better lawyer**
  - a. Find a mentor because it's easier to learn from a good teacher that has already learned through their own experiences.
  - b. Watch good trial lawyers and copy what you like but don't copy things that don't fit your style.
  - c. Watch trials like you are studying a craft.
  - d. Conversations with other lawyers and non-lawyers can teach us to be better lawyers.
  - e. List serves are great tools.
  - f. A good CLE is worth its weight in gold.
  - g. Books/Podcasts are great for learning even if the topic is not on trial skills.
  - h. Public speaking events can be CLE's.
    - i. Wedding toasts, speeches etc....
  - i. Storytelling is fun, important and has a lot of technical aspects.
    - i. Practice your story telling.
- 5. Know the courthouse and procedures**
  - a. Don't sign up first if you are new because you can learn from watching.
  - b. Let lawyers who have a scheduling conflict to skip the line.
  - c. Always be nice and don't object to resets.
  - d. Always assume the courthouse is not private.
- 6. Make your client comfortable but don't have to be a babysitter**
- 7. Judges are human**
  - a. Judge's deserve respect but they might not know the case law or the case as well as you.
  - b. Make your arguments succinct.
  - c. Respond to the judge's questions/concerns.
- 8. Always show up early to court**
- 9. Always report the case for longer than you think it should take**
- 10. File motions in advance**
- 11. The morning of trial is not fun**
  - a. Nervousness is part of being a trial lawyer.
    - i. Nobody sleeps well the night before trial.
  - b. Trials are slow and rarely start without a lot of waiting around time.
  - c. Stay calm in the morning.
  - d. A lot of mistakes can be forgiven if you are kind.
  - e. We all make mistakes so don't take it personally if a judge is condescending. That happens to new lawyers even if experienced lawyers make the same mistakes.

**12. Trial skills**

- a. Find your style which needs to be true to yourself.
- b. Take time to reflect on what you could have improved upon.
- c. Losing hurts but it can't hurt for more than a day or two.
- d. Get excited to go to trial but make sure it's the best thing for your client/justice.
- e. Discuss areas of stipulation with the other side.

**13. Juror tips**

- a. Don't waste their time.
- b. First impressions matter.
- c. Think about your narrative/case strategy. Then do your jury selection.
- d. Stay organized (using a chart can help).

**14. Don't use your court skills at home with your spouse because nobody likes being cross-examined.**

**15. Smile because it's a great life.**