TRIAL ADVOCACY: SELECTED RESOURCES

Prepared by Emilie Benoit, Reference/Faculty Services Librarian

This is an annotated bibliography of selected trial advocacy resources available in the Law Library's collection. To locate additional materials, search the library's WebCatalog by subject. Recommended subject headings are: Trial Practice---United States, Forensic Oratory, and Summation (Law)---United States.

GENERAL

American Jurisprudence Trials. (1964-). KF8915 .A74

This multivolume treatise contains model trial transcripts and sample questions for various types of client interviews. There are annotations to various secondary sources such as American Jurisprudence Proof of Facts and American Law Reports. Available on Westlaw in the database AMJUR-TRIALS.


This practical guide covers Massachusetts trial practice, from case preparation through trial, closing statements, and jury instructions. It includes examination of witnesses, damages, jury conduct, and judgments and appeals.


This trial advocacy primer provides practical information about courtroom techniques, and the reasons for employing particular techniques, sufficient to get an attorney through his/her first one or two trials. Basics of trial advocacy are covered, including advice on where to sit, how to address the court, how to prepare and question a witness, and how to make an objection.


The purpose of this treatise is to provide trial lawyers and judges with quick accurate answers to questions arising during a civil trial.

This treatise provides trial lawyers and judges with quick accurate answers to questions arising during a criminal trial.


This benchbook is a reference guide for judges and attorneys.


The author discusses developing a "trial story"; examining witnesses on direct and cross-examination; making a record by using foundations, objections and responses; and, communicating with the jury (or judge acting as jury) via opening and closing statements and voir dire.


Behavioral science, jury research, and the psychology of persuasion are discussed. Various parts of a trial including jury selection, opening statements, direct and cross-examination, use of exhibits, and objections and closing arguments are analyzed.

**JURIES**


The author makes practical recommendations on presenting a case to a jury from his experience as a trial lawyer and three decades of professional theatre. Topics include visceral communication, good storytelling, point of view analysis, closing, voir dire, and demonstrative and real evidence.


Topics covered include: jury consultants, jury investigation, juror orientation, appropriate voir dire strategy, non-verbal communication, and basic juror prejudices. Updated by *Blue's Guide to Jury Selection*.


Practice tips include techniques for communicating with one's jury voir dire panel, bonding with potential jurors and psychological techniques to predict juror favorability. An appendix contains numerous forms of affidavits and questionnaires. Available on Westlaw in the database BLUEJURYGD.


This jury desk book enables lawyers and judges to quickly address issues such as voir dire, compositional challenges, juror misconduct, and jury disqualification.


This is a series of essays concerning good and bad jury behavior.


Several aspects of jurors' thinking and behav-
ior are considered, such as the bio-physiology of a juror's brain, the social psychology of a juror's perceptions, and group dynamics.

OPENING STATEMENTS AND CLOSING ARGUMENTS


In addition to general advice, there are transcript excerpts from opening and closing arguments from several trials.


This video presents a list of “do’s” and “don’ts” regarding opening statements.


This is a compendium of articles related to the presentation of opening and closing statements. Topics include: the power of language; language style and sex bias; persuasive communication variables; and the order of presentation at trial.

Lagarias, Peter C. *Effective Closing Argument.* (2d ed. 1999-). KF8924 .L34 1999-

This treatise addresses the psychology and philosophy of the art of persuasion. There is a state-by-state compilation of the law regarding closing argument. There are excerpts from famous closing arguments by Daniel Webster, Abraham Lincoln, Clarence Darrow, and Gerry Spence.

Seidemann, Joel J. *In the Interest of Justice: Great Opening and Closing Arguments of the Last 100 Years.* (2004). K181 .S45 2004

This is a compilation of excerpts from Opening and Closing Arguments from 15 jury trials including the trials of O.J. Simpson, Adolf Eichmann, Amadou Diallo, Martha Stewart, Karen Silkwood and Timothy McVeigh. Excerpts from Zacharia Moussaoui’s pro se closing are included.

WITNESS EXAMINATION: CROSS AND DIRECT

Aron, Roberto et al. *Cross-Examination of Witnesses: The Litigator’s Puzzle.* (1989-). KF8920 .A76

This book is about numerous and varied elements of cross-examination, including: techniques for questioning, importance of psychology in the cross-examination process, expert testimony, and communication during cross-examination.


Direct examination and cross-examination are discussed by two Rhode Island litigators.


The author describes ways to prepare for and deliver predictably successful cross-examinations using specific examples and illustrations.


This primer intended for young attorneys and those not experienced in litigation, includes sample questions and answers for direct and cross-examinations, for qualifying an expert,
and for introducing evidence as to character, habit and custom, and prior inconsistent statements.


The author advises both lawyers and clients regarding witness preparation.


These videotapes comprise excerpts from actual court proceedings as examples of how to handle opening statements and cross-examination.


Cross-examination techniques which the author suggests include: arguing through the witness, framing questions for cross-examination, and controlling the witness. The order and organization of cross-examination are covered. The author devotes a chapter to impeaching material, which he describes as the “first great tool of cross-examination.” Excerpts from actual cases are included.


This treatise about direct examination is in the form of a trial transcript with commentary inserted intermittently to illustrate the author’s advice in context.


This book, about civil and criminal jury trials, concerns direct examination, demonstrative evidence, adverse witnesses, cross-examination, and expert witnesses.


This two tape videorecording features the late Professor Irving Younger. In addition to the “Ten Commandments,” topics include an introduction to credibility, discrediting one’s own witness, surprise and prejudice, hostile witnesses, techniques to refresh a witness’ recollection, four special modes of discrediting, and claims of coerced confession.


This is a multi-tape video series of Professor Younger’s lectures regarding evidence. An outline accompanies this series of tapes.

WITNESS EXAMINATION—EXPERTS


This handbook contains practical advice regarding the admission of evidence, including expert testimony and hearsay. Some other topics are: expert discovery, using depositions at trial, and using technology in the courtroom.


Topics include: preparing for the deposition of an expert witness; preparing for the deposition of an opposing expert; deposing an opposing expert; defending you expert's testimony; and using expert depositions at trial.

The authors write about many aspects of working with experts including locating, deposing and impeaching them.


This is a discussion about conflicts that can arise between forensic engineers and lawyers in product liability cases resulting in serious injury and death.


There is discussion of expert witnesses in Chapters 12 – 15.

**ELECTRONIC DISCOVERY**


There is a comprehensive discussion of issues regarding computer forensics by lawyers who work in the industry. Electronic data management and recovery processes are described and explained. Computer forensic terminology is defined.


The author considers evidentiary questions arising from electronic commerce transactions and communications, such as discovery of electronic evidence, spoliation of e-evidence, confidentiality of attorney-client email communications, authentication of e-evidence taken from the internet, and hearsay issues.