Preparing For and Trying the Civil Lawsuit

Second Edition

"This publication should be on the desk of every litigator, young and old alike. . . . It thoroughly examines the litigation process from the pleading stage to post-trial motions with insightful comments from a host of distinguished practitioners."

Henry G. Miller, Esq.
Clark, Gagliardi & Miller
White Plains, NY

"Excellent publication for new litigators."

John Kenneth Rode, Esq.

In *Preparing For and Trying the Civil Lawsuit*, Second Edition, 30 of New York State's leading trial practitioners and other experts reveal the techniques and tactics they have found most effective when trying a civil lawsuit.

The new practitioner will benefit from this book's comprehensive coverage of the topic. A thorough discussion of pretrial preparation and investigation will aid the attorney in obtaining an advantageous settlement even if the case never goes to trial. The numerous practice tips from some of the leading practitioners in New York State will provide excellent background for representing your client, whenever your case goes to trial.

Especially helpful are the excerpts from actual trial transcripts, which illustrate the effectiveness of certain lines of questioning. Experienced trial attorneys will benefit by using the book to supplement and reinforce their own methods of practice. The Second Edition greatly expands on the First Edition, and includes new chapters on "Evidence," "Alternate Dispute Resolution," "Expert Testimony," "Ethics" and "Summation."

Contents

1. Ethical Considerations
2. Pleadings and Motions Directed to the Pleadings
3. Disclosure
4. Investigation of Case and Use of Experts
5. The Conduct of Depositions—State and Federal Guidelines
6. Expert Discovery, Depositions and Motions to Exclude Experts
7. Litigating and Protecting the Insurance Claim
8. Selecting the Jury
9. Preserving the Trial Record for Appellate Review
10. Motions *in Limine;* Opening Statements
11. Direct Examination of Lay Witnesses
12. Cross-Examination of Lay Witnesses: An Overview
13. Motions *in Limine* to Preclude Expert Testimony
14. Gatekeeping: Reliability of Expert Testimony Under *Daubert* (and *Frye*)
15. Direct Examination of the Technical/Medical Witness
16. Cross-Examination of the Technical/Medical Witness
17. Use of Demonstrative Evidence During Trial
18. Evidence
19. Summation
20. Some Do's and Don'ts for Summation
21. Jury Instructions
22. Post-Trial Motions
23. Trying Your First Trial? Nineteen Tiny Tips
24. Settlement
25. Role of Alternate Dispute Resolution

Key Benefits

- Learn to create compelling opening statements, summations and jury instructions
- Gain knowledge to skillfully conduct pretrial preparation and investigation
- Learn how to implement effective settlement strategies, elicit useful facts during depositions and trial testimony, and employ demonstrative evidence
- Understand the basics behind the trial process — from ethical considerations to the use of ADR.

Editors-in-Chief

Neil A. Goldberg, Esq.
Goldberg Segalla LLP
Buffalo, NY

John P. Freedenberg, Esq.
Goldberg Segalla LLP
Buffalo, NY

Product Info and Prices

Book Prices

2004 • 1,302 pp., loose-leaf, 2 vols. • PN: 41953

NYSBA Members	$175
Non-Members	$225

To Order: phone 1-800-582-2452 / **fax** 1-518-487-5618 / **web** www.nysba.org/pubs