

100 TIPS FOR CIVIL TRIAL ATTORNEYS

***Bold Tips Have Attachments**

1. The phone call to your office (your first client)
2. Secretary's Handle of the call – the “hold on” – NOT good
3. Interpersonal Skills outside of the office – all people talk about is other people – involvement in the community, people are watching you.
4. You don't have to be the best lawyer...but you must be the most available lawyer.
5. How fast you respond – examples – cell phone to client – home phone number→give it out.
6. All calls sent to BlackBerry. Standing in line at Starbucks – they take your order, you do not leave. Return the call immediately.
7. No enemies...period. Never worth it.
8. No unhappy clients. None. Zero.
9. Give the money back. Always
10. Crazy Clients? Get rid of them or you deserve the consequences.
11. New Client – First Date. Flowers, candy. Positive—very negative.
12. “We can help.” Good opening line on the phone.
13. Do NOT Cross-Examine your client.
14. DO: Google your client.
15. “My Husband/Wife wants to know...” – Get them on the phone or in the office.
16. Call the next day or the same day after you are retained. Explained what happens next.
17. You are the doctor – I cannot meet your expectations. I diagnose and recommend treatment.
18. “How much did you pay for that advice?” – THAT is what it is worth.
19. Inquiry from relatives, “I do not practice that kind of law.”
20. How to get off the phone with the client→“Judge is on the other line.”
21. How to Interview a new employee or secretary: smart and nice. Last job. Longevity. Always ask how they liked their last boss and what they did not like about their last job.
22. New Client E-mail List – Constant Contact.
23. Lawyer List – Constant Contact. Collect lawyer business cards.
24. Marketing – Internet search engines. Focus on geography, “Union County,” “Westfield,” ...when I look out of state.
25. Marketing – mentioning what you do in social circumstances.
26. Hand out cards to cab drivers, bartenders, valets, etc.

27. Direct Mail and the "7 Mailer Theory" – political theory and direct mail.
28. Lawyer referral basket.
29. Mad Client? Apologize.
30. Smother client with copies of letters and phone calls early in their case.
31. New Case in office – Litigation – Go to the jury charges first: will outline the exact question to the jury. Use of jury charges.
32. DO NOT PANIC. It's a tough business. That is why you get paid real money.
33. Hiring a part-time employee or two.
34. Secretary never says "We don't do that kind of work."
35. Use of Investigators to sign up case. Dog bite example.
- 36. Complaints – John Doe and ABC Company – 2 Years later not driving the car.**
- 37. Complaints – Punitive Damages in Complaint in DWI Accident Cases**
38. Complaints – I file suit in every case – Lawyers have gone out of business waiting for an offer.
39. Notices of Claim – My Five Dollar Rule – State, County, Local, Shade Treet Commission...Reaction by Entity – Hospitals – Buses.
40. Notice of Claim – Entity Itself – School, Hospital – With cover letter "Please State who should I serve."
- 41. Federal Notice of Claim – Weird. Must file before you sue, not ninety days but prior to serving complaint. U.S.C. 2401.**
- 42. Cruise Line Claims – Dangerous. Statute of Limitations issue.**
- 43. Ski Slopes in New Jersey – Special Statute.**
- 44. Amusement Parks – Special Law.**
- 45. Roller Rinks – Special law. Be Careful.**
46. Complaints – Send demand for Interrogatories with complaint so clock will begin to run.
47. CALL CLIENTS ON SATURDAYS. DR CALLED MY WIFE ABOUT HER MOM.
48. Slip and Fall at the YMCA or Parochial School N.J.S.A. 2A:53A-7.
49. Permanent Cert Attached to Complaint.
- 50. Affidavit of Merit – Professionals, Doctors Associations, Lawyers, Nurses, Semi-Professional.**
51. Trial Folders v. Notebooks Lipsig
52. Trial Practice – Credibility with jury.
53. Trial Practice – Counter Punching approach
54. Discussing Settlements with Clients and Bill Clinton example.

55. Name Store Manager to avoid removal to Federal Court when suing a large store. Look at wall.
56. Deposition – Take reporter out of the room during argument with other lawyer.
57. Negotiations – Words are key and quick responses are key. Never happening v. “I don’t think my client will take it.” – Tone of voice.
58. Medicare and Medicaid Liens and Child Support.
59. Referral – Retainer Agreement with client – even though out of state attorney has agreement.
60. Disclosure of Referral Fee.
61. Depositions – Question: “If you had seen this condition before the accident would you have taken any action?”
62. Depositions – Auto Accident Question: “Did you make any observations that lead you to believe that the other driver contributed to the accident?”
63. Depositions – The question must be crisp in order to read it back to a jury.
- 64. Depositions – Video Tape of witness at Deposition – How to Video. Rule 4:14-9. 10 Day notice.**
- 65. Depositions – Talking to Witness at Break. Rule 4:14-3.**
66. Depositions – Personal Information about the Defendant: Education, Work history, Family situation – Very Important in figuring out where witness is coming from.
67. Depositions – Evasive Witness. “Did you own building in 2008? How about in 1953?” Evasive. Video is good.
68. Arbitration and Appealing the Award – Insurance Co.’s knowing what you will take is always bad.
69. How to answer the question “How much is my case worth?” Litigation continues to unfold.
70. Auto Cases – Verbal. Commercial Vehicles.
71. No insurance? Cannot bring a personal injury claim.
72. Motorcycles – No PIP. Pay medical bills somewhere else.
73. Your first impression of the client is the same as the jury.
74. Testimony – Not how it affected you but how you feel badly for others, “slowing them down.”
75. Scars – “They look at me if I had been in jail.”
76. Corner Newspaper man – he was always happy has never smiled since the accident. Witness at trial.
77. Get policy limits early to limit client expectations.
78. Prepping a witness for trial and for depositions – Likeability.

79. Jury should draw conclusion – “Where were you standing behind a car?” “How tall are you?” “So you couldn’t see?” “No I couldn’t see,” etc.

80. Loss of consortium claims and Loss of services – Per Quod.

81. Ethics – No fighting with clients.

82. Video tape of your own experts – love it. Adjuster take you serious and you know cross by other attorneys – you can open. Bring in doctor live.

83. Lawyer said you never really see a file clearly until trial.

84. Folders – COLOR system.

85. Illegals and Municipal Courts – rare.

86. Offers of Judgment and why they are used.

87. Medicare Liens and Defendants holding settlement checks.

88. Questions – Can you ask witness are you here legally? NO

89. Numerous witnesses at deposition? Sequester. Corporate Defendant can designate one.

90. Calling a judge from a deposition.

91. Sheriffs Taxable Costs added on to judgment – 3% and 2%.

92. Question at Deposition – “When did you first contact a lawyer?”

93. Closing Arguments – Hely – “if this is a search for the truth why did he/she ask that question?”
“Was that a search for the truth?”

94. Your Client not especially appealing? They are not actors or movie stars. Not what you see on TV

95. The Ring of Truth Argument

96. Time Unit Notice Rule

97. Jury Selection – How many people do they supervise?

98. My Client takes responsibility

99. Always look at back of everything going into evidence!

100. Jury Charges – Use the same words.