



# Mastering The Mechanics Of Civil Jury Trials: A Strategic Guide Outlining The Anatomy Of A Trial

By Tyler G. Draa, Doris Cheng, Maureen Harrington, Franklin E. Bondonno

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A veritable Dream Team of civil litigators collaborated on *Mastering the Mechanics of Civil Jury Trials: A Strategic Guide Outlining the Anatomy of a Trial*, a must-have reference for both aspiring and veteran lawyers interested in honing the craft of civil jury trial strategy and procedure.

**Tyler Draa**, partner at Silicon Valley litigation firm **Greenfield Draa & Harrington LLP**, is a frontman of sorts for the dynamic team whose experience sets forth the anatomy of a trial, with judicial comments from the **Honorable Franklin E. Bondonno**, of the Superior Court of California, County of Santa Clara. Co-authors **Maureen Harrington** (also a partner at Greenfield Draa & Harrington) and **Doris Cheng** (Walkup Melodia, Kelly & Schoenberger in San Francisco), are among the highest ranked women lawyers in California.

*"This manual presumes you have completed the pre-trial discovery process. The parties have exhausted settlement discussions. Your case is proceeding to trial. You have been assigned to a trial department. The collective tasks you must complete are, at first blush, daunting. This manual describes each of the tasks separately and sequentially. By focusing your attention on the next task to be accomplished, not the entirety of challenges ahead, you can weather the process of trying a case to verdict."*

Throughout the manual, the authors delve into the strategies that could make or break a case, depending on the experience of the lawyer or the lack thereof. Thinking on your feet and being prepared for all possible outcomes and surprises is emphasized throughout. Pivotal moments include jury selection (voir dire), as well as direct and cross examination, to name a few. The inclusion of judicial commentary on such aspects, where relevant, offers sage perspective from the bench itself. All stages of procedure and strategy are discussed, for both plaintiff and defendant representation.

This is also a fascinating peek inside the mechanics of courtroom procedure for anyone interested in understanding the nuances and strategies of the civil justice system. The wisdom gleaned from real practice, as presented in this book, makes *Mastering the Mechanics of Civil Jury Trials* both a primer for the layperson or law student, and a legacy of experience for all practicing lawyers, one that bridges the mentor gap. Includes an extensive Appendix citing state-by-state rules and codes for various aspects of trial procedure. A fascinating peek inside the courtroom.

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## **Editorial Review**

### **Review**

“The Santa Clara County Bar Association had been trying for over two decades to find the right materials for presenting a seminar on preparing for and conducting a civil jury trial. Tyler Draa’s manual has been the best we have ever found to teach lawyers of all experience levels how to be an excellent litigator. To have a manual that covers the nuts and bolts of a civil jury trial from A to Z is an invaluable resource for every litigator. We are looking forward to Tyler using his book to present another compelling legal education seminar again.” **Christine Burdick, Director, Chief Executive Officer & General Counsel, Santa Clara County Bar Association, California**

“. . . Whether you are a novice, an experienced trial attorney, or somewhere in between, *Mastering the Mechanics of Civil Jury Trials* is an essential read.” **Vanessa Cotto, Review, Trial Magazine, May 2016, Copyright American Association for Justice (formerly Association of Trial Lawyers of America**

“Draa has produced a user-friendly guide that should be required reading for any attorney contemplating dipping a toe into the civil jury trial waters. As a bonus, it’s also chock full of solid advice for any trial lawyer, even if his or her practice is limited to criminal cases whether by courts-martial or in federal or state courtrooms...This is a metaphorical 30,000-foot view of the civil trial. There isn’t a lot of detailed “how to” tactics. Draa and company have chosen instead to send bigger, and more important, messages to the budding trial lawyer. This strategic approach emphasizes a global understanding of the civil trial process. It is in stark contrast to other trial “manuals . . .” **Mr. Thomas G. Becker, Col (Ret), USAF, Review, JAG, The Reporter**

“Whether you are a new attorney just entering jury trial practice, an experienced jury trial attorney, or in between, *Mastering the Mechanics* is an essential read that will either get you started on your way to jury trial practice or provide a much needed refresher and new outlook on jury trial practice.” **Barbara Ballard Woodcock, Esq., Review, The Florida Bar Journal**

”*Mastering the Mechanics* breaks the complexity of the jury trial into basic components. In plain English, with understandable summaries, straightforward instructions, occasional numbered step-by-step directions and real-life examples, the authors describe “how-to” and “what-to-do” from pre-trial, through every step of trial, and post-trial motions and appeals...filled with practical tips that have value to new trial lawyers and are good reminders to the experienced professional...There are fundamental tips for presenting evidence, and even style before the jury...Many chapters include a’ Judicial Comment’ providing the judge’s perspective on the subject...*Mastering the Mechanics* will help any lawyer make the trial engine zoom, to our clients’ advantage.” **David Gurnick, Esq., Lewitt Hackman, Review, San Fernando Valley Bar Association’s Valley Lawyer**

“*Mastering the Mechanics of Civil Jury Trials* is not only is a how-to, but a how-why resource book for the trial lawyer and law students. It is an essential guide for the novice lawyer who has to learn the why and how of civil trial practice and also for the more experienced lawyer who should always have a checklist of crucial trial practice information. It should be part of every civil trial lawyer’s trial notebook.” **Professor Barbara Barron, Co-director of Hofstra’s Trial Techniques Program, Co-director of the National Institute of Trial Advocacy’s (NITA)**

*"Mastering the Mechanics* is practical, readable, and smart! I love the short, snappy chapters and the emphasis on civility and ethics, plus solid-gold guidance for lawyers. Bravo! Congratulations on a great book." **Lynn Duryee, Adjunct Professor, USFCA, Retired Superior Court Judge, Marin County, CA**

*"Mastering the Mechanics of Civil Jury Trials* is an invaluable aid for those attorneys who desire to become trial lawyers. It is a practical, well-written guide that is itself a road map for trying a case. Reading and keeping this book as a constant companion will well serve the aspiring trial lawyer. It is both a knowledgeable resource and a source of confidence." **John Ottobani, Esq., General Counsel, Office of the General Counsel, Santa Clara University**

"Every young lawyer should carry this practice manual in his or her briefcase as it is a step-by-step guide on how to try a case?from pre-trial briefs, to the use of challenges, to the opening statement and development of a theme. The manual includes everything from a guide to introducing evidence to closing argument. This book should be a Bible for every trial lawyer-to-be. Most importantly, it is a common-sense guide on what to do and when. It is the food you eat to undertake the trial journey. Unfortunately, we are not teaching these lessons in law school today." **Joseph W. Cotchett, Esq., Cotchett, Pitre & McCarthy, San Francisco, CA**

"Tyler Draa and his co-authors have created a book that should be required reading for both budding and experienced trial lawyers alike. I would keep it on counsel table at trial, as unconventional as my approach at trial may be. The nuts and bolts are all there, as are tips for the more weathered, battle-hardened practitioner. I would recommend this book to any lawyer?even those who only occasionally?try cases before juries." **Jeffrey S. Mitchell, Esq., Mitchell Law Group, San Francisco, CA**

"I have been a trial lawyer for over 30 years. Representing a client in court, in front of a jury, is complex and challenging. Tyler Draa and his compatriots have written a book that is the perfect distillation of the steps, strategies and mind-set needed to try a civil law suit, from the minute you walk into the court room until you thank the jury after finishing your closing argument. Any trial lawyer, whether just beginning a career, or beginning his or her 4th decade in the profession, will benefit greatly from the advice and approach presented in Mr. Draa's book. I highly recommend it." **Tim Hamilton, Esq., Walker, Hamilton & Koenig LLP, San Francisco, CA**

"The authors have distilled many years worth of experiential learning and wisdom into this volume. Here is a way to learn much of the mechanics and customs of trying a case before entering the courthouse. Priceless for a new litigator, and an excellent refresher for anyone whose trial skills have become rusty." **Boone Callaway, Esq., Callaway & Wolf, San Francisco, CA**

"As an expert I have worked with over 200 attorneys. Mr Draa's approach to witness preparation was the most thorough and comprehensive and enlightening I have yet encountered." **Mark M Jacobs, MD**

"Draa's book is an important manual of basic and practical information about the mechanics of a civil jury trial. Unfortunately with fewer and fewer cases going to trial now this is vitally important to law students and civil attorneys of all level of experience. As an attorney who has tried over 150 civil jury trials, I can highly recommend it." **Gary Gwilliam, Esq., Gwilliam Ivary Chiosso Cavalli & Brewer, Oakland, CA**

"In September 2014, I attended a CLE trial seminar presented by Tyler G. Draa, Maureen Harrington, Doris Cheng, and the Honorable Socrates Manoukian. The program was a tour-de-force, taking the beginning trial attorney through all aspects of trial preparation and advocacy. In a concise, practical, and informative presentation, Mr. Draa began by training attorneys in the basic skills needed to conduct an effective jury

trial. He then transitioned to more advanced techniques, including the selection of a winning case theory, the use of exhibits, the effective examination of witness, and the effective response to evidentiary challenges and tricks. *Mastering the Mechanics of Civil Jury Trials* continues Mr. Draa's tradition of providing legal advocates with the critical training and instruction that our law schools so often fail to provide. It should be required reading for all attorneys, young and old." **Julian Pardo de Zela, Esq., Ropers Majeski Kohn Bentley, San Jose, CA**

#### About the Author

Tyler Draa, former trial lawyer and partner in the civil litigation firm, Greenfield Draa & Harrington LLP, located in Silicon Valley, is now "of counsel," and is a Judge Pro Tem for the Santa Clara Superior Court. His practice focus was professional liability, principally defending health care providers, but also representing lawyers, insurance companies and personnel, as well as other professionals in lawsuits and administrative proceedings. He has tried over 70 cases and is also an appellate lawyer with more than a dozen published decisions. He holds an AV Preeminent rating by Martindale Hubbell (a peer-ranking measure of elite status), and is annually recognized as a California Super Lawyer. He is a member of the American Board of Trial Attorneys (ABOTA). Mr. Draa received his B.A. with honors from Claremont McKenna College and studied law at Lewis and Clark Northwestern School of Law, as well as Hastings College of Law. He earned his Juris Doctor degree from the former institution in 1981. He was appointed as law clerk to the Honorable William Ingram, U.S. District Court (Northern California), upon graduation. He is currently authoring additional titles on law, teaches trial practice courses through Continuing Legal Education (CLE) programs, holds seminars and lectures using this book as a syllabus, has participated as an instructor for the National Institute of Trial Advocacy (NITA) "Masters of Trial" program, and volunteers to assist as adjunct faculty for the University of San Francisco Law School's "Intensive Trial Advocacy Program." He resides in Los Gatos, CA.

Doris Cheng is ranked one of the top 50 women lawyers in Northern California, listed among the Best Lawyers of America, SuperLawyers and San Francisco Best Lawyers, specializing in complex injuries caused by third party fault. She has obtained multi-million dollar settlements and verdicts on behalf of disabled citizens throughout California, is a frequent guest lecturer and adjunct professor, has trained lawyers and judges both nationally and internationally, and is the current program director for the National Institute for Trial Advocacy's Western Region Advocacy Teacher Training Program. Ms. Cheng is the current president-elect of the San Francisco Trial Lawyer Association, a member of the American Board of Trial Advocates (ABOTA) and the chair of the ABOTA Civility Program for Law Schools (San Francisco Chapter). She currently practices at Walkup, Melodia, Kelly & Schoenberger in San Francisco.

Maureen Harrington is a partner with Greenfield Draa & Harrington LLP in San Jose, CA, focusing on real estate, intellectual property, business and employment disputes. She has tried multiple jury trials to verdict, in matters ranging from director and officer liability to real property disputes, has served as trial counsel in numerous court trials and arbitration hearings, and her practice has spanned both state and federal courts, including representation of creditors in bankruptcy. Ms. Harrington participated as a faculty member in programs for the Bar Association of San Francisco and has been a featured CEB speaker on real estate litigation issues (CEB or Continuing Education of the Bar - California is a self-supporting program of the University of California, co-sponsored by the State Bar of California). She received her Juris Doctor from the University of San Francisco School of Law.

The Honorable Franklin E. Bondonno was appointed to the California Superior Court in July 2005 by then-Governor Arnold Schwarzenegger. For over three years, he presided over civil trials in Department 7 of the Superior Court of California, County of Santa Clara, and was reassigned in 2012 to a criminal department

and juvenile court in 2016. His Honor was awarded the "James Foley Civil Trial Judge of the Year Award" for the Santa Clara County Superior Court in 2011. Prior to this appointment, he practiced civil trial law for 32 years, most of which were with Popelka Allard, A.P.C. in San Jose, where he became Managing Partner. With involvement in 60 trials, at least 40 of which were seen through to judgment, cases included medical malpractice, negligent injury, toxic tort, civil rights and other cases in multiple states, including California, New York, North Carolina, Washington, D.C., Oregon, and Hawaii. His longest case ran almost five months in 1981, in Los Angeles. Justice Bondonno received his Bachelor of Arts degree from Pacific Union College and his Juris Doctorate at Santa Clara University. He is a member of the National Association of Criminal Defense Lawyers and resides in Los Gatos, CA.

## **Users Review**

### **From reader reviews:**

#### **Eunice Buckley:**

The book Mastering The Mechanics Of Civil Jury Trials: A Strategic Guide Outlining The Anatomy Of A Trial can give more knowledge and also the precise product information about everything you want. Why then must we leave the good thing like a book Mastering The Mechanics Of Civil Jury Trials: A Strategic Guide Outlining The Anatomy Of A Trial? A number of you have a different opinion about guide. But one aim this book can give many facts for us. It is absolutely proper. Right now, try to closer with the book. Knowledge or info that you take for that, you could give for each other; you can share all of these. Book Mastering The Mechanics Of Civil Jury Trials: A Strategic Guide Outlining The Anatomy Of A Trial has simple shape nevertheless, you know: it has great and large function for you. You can appear the enormous world by open up and read a publication. So it is very wonderful.

#### **Francine Nott:**

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**Amy Tharp:**

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