

# **TRUSTWORTHINESS**

## **A Trial Strategy Manual For The Plaintiff's Injury Case In New Jersey**

**BY**  
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**AND**  
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**(1934-1997)**

**NEW JERSEY SUPREME COURT  
CERTIFIED CIVIL TRIAL LAWYERS**



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## ABOUT THE AUTHORS

**JIM HELY**, a Certified Civil Trial Attorney, had his first major victory in 1984 when he and Arthur H. Miller obtained the largest injury award in the history of New Jersey up to that time, \$3.55 million dollars. In 1988, he obtained the first punitive damage award against the Audi 5000.

He has served as a regular guest expert on Court TV since its inception, and he has authored articles on trial practice which have appeared in Trial Magazine.

In 1992, the New Jersey Head Injury Association awarded Hely its prevention award for his work on head injury cases and the Bike Helmet Law. He has lectured on trial advocacy for the Institute for Continuing Legal Education and ATLA-NJ. He also served for more than 11 years as an elected Town Council member in Westfield.

His most recent noteworthy verdict was in 1997 when he obtained a \$1.3 million dollar verdict for a 28 year old man who had a trimalleolar fracture of the left ankle.

**JAC B. WEISEMAN** (1934-1997) was among the first small group to be approved by the New Jersey Supreme Court as Certified Trial Attorneys. He was the first attorney in New Jersey to obtain a \$1 million dollar verdict in a civil case. That verdict is also believed to have been the first million dollar medical malpractice verdict in the country. He was a founding Master of the Richard J. Hughes Chapter of the Inns of Court, and a lecturer with the New Jersey Institute for Continuing Legal Education (ICLE).

He served for many years as an officer and member of the Board of Governors of ATLA-NJ. He was also a founding officer of the Aquatic Safety Injury Group, a nationwide network of experts in swimming and pool safety.



## TABLE OF CONTENTS

INTRODUCTION	WHY THIS BOOK FOR TRYING THE PLAINTIFF'S INJURY CASE IN NEW JERSEY? . . . . .	vii
CHAPTER I:	WHAT DOES A JURY WANT? . . . . .	1
CHAPTER II:	ARGUING IN THE ZONE OF TRUTH . . . . .	5
CHAPTER III:	THE TRIAL LAWYER'S PERSONA: HUMBLE ASSERTIVENESS . . . . .	9
CHAPTER IV:	SUMMATION: THE LIMITS . . . . .	15
CHAPTER V:	SUMMATION: THREE CRUCIAL TECHNIQUES AND THIRTEEN MUST THEMES - THE BRICKS AND MORTAR . . . . .	23
CHAPTER VI:	OPENING STATEMENT: SEIZING THE CRUCIAL MOMENT WITHIN THE STRICT CONFINES OF NEW JERSEY LAW . . . . .	57
CHAPTER VII:	BRINGING FORTH THE STORY: DIRECT EXAMINATION . . . . .	65
CHAPTER VIII:	TRUSTWORTHINESS AND CROSS EXAMINATION . . . . .	73
CHAPTER IX:	WHAT DO WE WANT FROM JURY SELECTION AND WHAT CAN WE GET? . . . . .	79
CHAPTER X:	THE TRIAL BRIEF AND ALL OF ITS ESSENTIAL PARTS . . . . .	87
CHAPTER XI:	THE DEMONSTRATIVE EVIDENCE SECRET . . . . .	95
CHAPTER XII:	DOES YOUR CLIENT BELONG IN THE COURTROOM? . . . . .	99

CHAPTER XIII:	USING EXPERTS BY VIDEOTAPE (HOW TO RELIEVE YOUR BIGGEST TRIAL STRESS AND EVEN ENHANCE YOUR PRESENTATION) . . .	101
CHAPTER XIV:	A CLEAN SWEEP OF THE PRE-EXISTING CONDITION ISSUE . . . . .	107
CHAPTER XV:	ON WHETHER TO INTRODUCE SPECIAL DAMAGES (ALMOST NEVER) . . . . .	109
CHAPTER XVI:	ON KEEPING YOUR COUNSEL TABLE FREE AND CLEAN . . . . .	111
CHAPTER XVII:	THE NEW LIGHTENING BOLT: THE LEARNED TREATISE RULE . . . . .	113
CHAPTER XVIII:	HOW TO HANDLE FIVE COMMON DEFENSE TACTICS . . . . .	119
CHAPTER XIX:	THE ELIXIR OF DEFEAT . . . . .	125
CHAPTER XX:	BRIEF THOUGHTS ON THE EMOTIONAL ROLLER COASTER RIDE OF TRIAL . . . . .	131
CHAPTER XXI:	THOUGHTS ON LEARNING ADVOCACY . . . . .	133
APPENDIX A	SAMPLE SUMMATION . . . . .	139
APPENDIX B	SAMPLE OPENING STATEMENT . . . . .	169
APPENDIX C	SAMPLE BRIEF . . . . .	185
APPENDIX D	SELECTED HELPFUL WORKS FOR TRIAL LAWYERS . . . . .	197
INDEX . . . . .		199

## **INTRODUCTION**

### **WHY THIS BOOK FOR TRYING THE PLAINTIFF'S INJURY CASE IN NEW JERSEY?**

Plaintiffs' lawyers from outside New Jersey are shocked when they hear how confining New Jersey law on advocacy is in the trial of an injury case. In fact, even New Jersey lawyers continue to be perplexed by how limiting our rules are.

On top of that, some jurors are bringing a negative attitude about lawsuits to the courthouse. The mere mention of the word "lawsuit" evokes a bad visceral feeling among citizens of many backgrounds.

Typically in New Jersey, we aren't allowed to question potential jurors in selecting a jury. Our opening statements are supposed to be nothing more than a brief outline of the facts that will be proven. We can never mention at any point in trial a dollar amount for a proper damage award. We can't even relate our damage request to the value of some particular service or good that might alleviate suffering or enhance the joys of living. After trial, we are prohibited from discussing the case with jurors to probe the rationale and process of the deliberators.

Yet, we know there are ways within our law to peel away jury skepticism. And, we know there are ways to obtain consistently good damage verdicts that do achieve fair compensation right here in New Jersey.

Some of the thoughts expressed in this book about trial techniques are universal to courts around the country. On the other hand, the main purpose of the book is to provide ways to effectively deal with the unique set of problems the New Jersey lawyer faces in presenting a plaintiff's injury case.