

ADVICE FROM LAWYERS ON HOW TO CONDUCT A TRIAL - \$25.00
LUNCH OFFERED AT THE SEMINAR- \$5.00
TRIAL TIPS OFFERED BY JUDGE DONOFRIO - "PRICELESS"

On February 28th, the YLS hosted a CLE which featured some of Macomb County's finest attorneys, who lectured about trial procedures. We were also fortunate to have Michigan Court of Appeals Judge, Honorable Pat Donofrio, as a special guest who offered his expertise and suggestions to trial attorneys from his perspective on the bench. The resounding theme emphasized by the attorneys was the necessity of being prepared, while Judge Donofrio reinforced the importance of brevity.

The CLE was attended by young lawyers who have yet to try a case, and attorneys who have been conducting trials for years. Both the new lawyers, as well as the veterans, raved about the seminar which focused on techniques and tactics of presenting yourself, your client and the evidence to a jury. Unfortunately, it is impossible for me to reiterate all the tactical trial advice offered at the seminar, so I have highlighted below a couple of suggestions offered by each speaker.

Robert Vitale, of Vitale, Flemming and Crosby, PC, lectured about Voir Dire. Robert emphasized the importance of establishing a rapport with the jury and educating them about the law and facts of your case during voir dire. Some suggestions Robert offered as to how to achieve that goal were: know the "typical" juror and tailor the form and nature of your questions accordingly; go to the court beforehand, look at the jury questionnaires and take notes; use demonstrative aids; and use jurors to educate other jurors by expounding upon answers that may lead to useful biases/information which is helpful to your case.

Chuck Trickey III of Schoolmaster, Hom, Killeen, Siefer, Arene, Hoen lectured about the proper way to give an opening statement. Chuck focused on being persuasive, but not argumentative, and stressed that the key to an effective opening statement is to be prepared. Chuck stated that not only is it important for the attorney to be prepared, but it is equally important for the attorney to prep the client as to proper behavior and appearance because the, "Jury is always watching." Chuck suggested reading (or re-reading) trial books and writing out your opening statement, then reducing it to outline form.

Partners, Derek Wilczynski and Orlando Blanco, educated us about techniques of direct-examination for both lay and expert witnesses. Once again, the resounding key to a successful direct-examination is preparedness. Derek and Orlando spoke about the difficulty of illiciting statements from your witness without putting words in their mouth. Derek . . . that presenting evidence to a jury is basically telling a story. Therefore, it is important to position yourself in a manner that is friendly to the jury, use visual aids such as power point, and use simple language that is understandable to a "typical" juror. When conducting direct-examination of your expert witness, you must "show case" him by establishing his capabilities, credibility and confidence.

Sole practitioner, Jeff Cojocar, gave a very thorough presentation about impeaching a witness and the potential pitfalls of cross-examination. Jeff's lecture was modeled after Irving Younger's Ten Commandments Concerning Cross-Examination. Jeff stressed the importance of

controlling the witness with leading questions and he illustrated a common mistake by showing a clip of Tom Cruise asking “one question too many” in A Few Good Men. Jeff stated that the goal of the attorney during cross-examination is to have the witness affirming your statements, and if you aren’t going to illicit anything useful from the witness, do not ask any questions at all.

MCBA President, Brian Legghio, summed up the CLE by educating us on making effective closing arguments. Brian stated that there are many useful tactics necessary to help us do our job, which is to persuade and convince a jury. Such tactics include having a theory and changing the tempo and speed by which you convey that theory; humanizing your client by referring to him by name, while at the same time, dehumanizing the opponent by referring to him as “the prosecutor;” and empowering the jury to administer justice.

Judge Donofrio’s advice about how to effectively conduct a trial was “priceless.” Judge Donofrio reserved his comments until after observing the tips offered by each of the practitioners. Not only did he expound upon the lessons taught by the lawyers, but he also offered advice from the perspective of the bench, which was extremely enlightening. If I had to sum up the lesson Judge Donofrio impressed upon us, I would just quote him by saying, “The mind can only absorb that which the derriere can withstand.” In other words, brevity is key to keeping the jurors’ attention.

Each of these attorneys, and Judge Donofrio, deserve a sincere thank-you from all of the YLS Board of Directors, as well as, all the CLE attendants. It is greatly appreciated that they were willing to donate their time to help educate fellow practitioners, and once again, it is a good reflection of the comradery we share here in Macomb County.

I also wanted to add a special thank-you to Robinette and Walton, for donating money to the MYIG program, and let everyone know that we will be having an organizational meeting in April. Anyone who is interested in volunteering, and/or knows of a school that may be interested in participating in the program, should contact me.