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# LEGENDS

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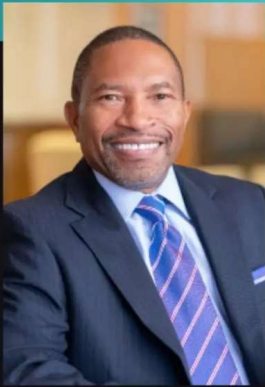


# OF THE LAW

## LEARN FROM THE PROS

TUESDAY  
SEPTEMBER 27, 2022  
12:00 P.M. - 1:00 P.M.

MODERATED BY  
STACIE HAUSNER, ESQ.



J. Bernard Alexander III  
Alexander Morrison +  
Fehr



Patricia Glaser  
Glaser Weil



Genie Harrison  
Genie Harrison  
Law Firm



Brian Panish  
Panish Shea Boyle  
Ravipudi LLP

**Moderator: Stacie Hausner, Esq., Neutral at ADR Services, Inc.**

**Panelists:**

- **J. Bernard Alexander, III, Esq. of Alexander Morrison + Fehr**
- **Patricia Glaser, Esq. of Glaser Weil**
- **Genie Harrison, Esq. of Genie Harrison Law Firm**
- **Brian Panish, Esq. of Panish Shea Boyle Ravipudi LLP**

### **Optimizing Trial Outcomes**

- Lawyers should be their authentic selves in jury trials. They cannot fool a jury by trying to play the role of someone else.
- Tell the jury a human-interest story. This is more important than the legal components of a case, such as, causes of action, rules of evidence, and objections.
- Case selection is important. Know when to reject a case.
- Be careful not to attribute a win or a loss at trial to your competence as an attorney. A good judge, good client, strong facts and a good jury play a big role in your success at trial.
- Do not be so fearful of going to trial that you try to settle a case at all costs. It is ok to be scared of trial. You need to learn how to deal with that fear.
- Select the right jury. Cases are won or lost during jury selection. Deselect the jurors who are bad for your case. Read nonverbal and verbal communication. Watch how jurors react to you and the situation. Look at jury questionnaires. During jury selection, what the juror says and does not say is important.
- Your Opening Statement should not be more than 30 minutes and should not be argumentative. Try to figure out the closest way to make it an argument without being argumentative.
- Keep the case simple. If a lay person can understand, even a factually complicated case, you can win that case.
- Trial is a fight for credibility.
- If you can, find a way to get the jury to not like the other side.
- Cases are very expert-intensive, which can be very expensive for a contingency attorney. Keep this in mind when selecting a case to try.
- Collegiality and civility between lawyers are important.

### **Optimizing Settlement Outcomes**

- Assume that the case is not going to settle and prepare it for trial. That way, you are not desperate to settle and you will be prepared. You want the other side to know that you can and are willing to go to trial. This is a good pressure point.

- Mediators are present to settle the case. Give the mediator the ammunition to convince the other side that they should settle the case consistent with your evaluation.
- Develop a reputation for trying cases. Insurance companies know who tries cases and it can be a good pressure point for settlement.
- Timing for settlement matters. Be patient and calm as you work up your case. Do not rush into settlement discussions.
- Think carefully before issuing a 998 because it will be interpreted as a demand. This can be used against you during later settlement discussions because it can set a floor or ceiling to the negotiation.
- Teach you client to not react to the information discussed during settlement discussions.
- Work your case up early. Prior to the mediation, write a strong mediation brief and send it to the other side as early as possible. This way, insurance companies/decision makers will have your strong arguments and information as they meet to evaluate your case prior to the mediation.
- Give the mediator as much information as you can if you want to settle your case. Mediation briefs should be extensive. You can, and should, include videos, photographs and the like if you think it will be helpful.
- Spend time working your mediator in the same way that you are working the lawyers on the other side.