

## Index to Recipes

### **AGNELLO ARROSTO**

Recipe, **253**

### **AGRAVE SYRUP**

Back in the saddle cocktail, **375**

Fernet with compari, **375**

### **AMARETTO**

Apricot oatmeal chews, **325**

Bocce ball cocktail, **379**

Rice pudding, **323**

### **AMARETTO DI SARONNO**

Godfather (cocktail), **353**

Godmother (cocktail), **355**

### **AMARO**

Translation, **323**

### **AMERICANO (COCKTAIL)**

Recipe, **363**

### **ANTIPASTI**

Generally, **11 et seq.**

Aperitif antipasti, **16**

Arrosto peperone, **31**

Bibliography, **448**

Brushette, **29**

Caponata, **17**

Carciofi antipasto, **13**

Cauldo, **29 et seq.**

Cold and hot kinds, **15**

Cold antipasto dishes, **11 et seq.**

Diffusione di oliva, **19**

Egg giambotta, **41**

Eggplant, sweet and sour, **17**

Freddi, **11 et seq.**

Fried polenta or cornmeal, **45**

Frittata ala Domenico, **39**

Frittata ala salsiccia e spinaci, **37**

Frittata ala tomasso vesper, **33**

Frittata cooking tips, **41**

Ham and melon, **11**

Hot and cold kinds, **15**

Hot appetizers, **29 et seq.**

Insalata antipasto, **15**

Italian ham, **11**

### **ANTIPASTI—Cont'd**

Marinated artichokes, **13**

Olive spread, **19**

Parma ham, **11**

Prosciutto and melone, **11**

Prosciutto crudo, **11**

Roasted peppers, **31**

Sausage and spinach omlette, **37**

Serving tips, **15**

Sweet and sour eggplant, **17**

Tapenade, **19**

Toasted bread, **29**

Traditions, **16**

Translation, **15**

Vegetable omelet, **33**

### **APERITIF ANTIPASTI**

Generally, **16**

### **APERITIVO & DIGERENTE**

Generally, **341 et seq.**

Amaretto di Saronno, **353, 355**

Americano, **363**

Back in the saddle cocktail, **375**

Bartending tips, **5**

Bavorak cocktail, **371**

Bellini

Generally, **345**

baby bellini, **351**

two minute version, **349**

Bibliography, **447, 459**

Bocce ball cocktail, **379**

Caffe shakerato, **365**

Campari, this index

Champagne, this index

Fernet branca, **369**

Fernet con coca, **373**

Fernet football, **377**

Fernet with compari, **375**

Godchild, **357**

Godfather, **353**

Godmother, **355**

Kina Lillet, **347**

Limoncello, **367**

Marine Corps punch, **341**

**APERITIVO & DIGERENTE—Cont'd**

Mint julep granita, 155  
Navy grog, 343  
Negroni, 359  
Negroni Sbagliato, 361  
Rum, this index  
1775 fortitude rum punch, 341  
Toasts to trial lawyers, 425 et seq.  
Vesper martini, 347  
Vin brule, 381  
Vodka, this index  
Wine, this index

**APEROL**

Godchild (cocktail), 357

**APPETIZERS**

See Antipasti, this index

**APPLES**

Jewish apple cake, 327

**APRICOTS**

Amaretto apricot oatmeal chews, 325

**ARROSTO PEPERONE**

Recipe, 31

**ARTICHOKES**

Varieties, 13

**BACCALA**

Insalata di baccala, 295

**BACK IN THE SADDLE COCKTAIL**

Recipe, 375

**BAR TIPS**

Generally, 5

**BASIL AND PINE NUTS SAUCE**

Recipe, 121

**BAVORAK COCKTAIL**

Recipe, 371

**BEANS**

Broccoli rabe with sausage and beans, 215

**BELLINI (COCKTAILS)**

Generally, 345  
Baby bellini, 351  
Two minute version, 349

**BEVERAGES**

See Aperitivo & Digerente, this index

**BIBLIOGRAPHY**

Generally, 447 et seq.  
Antipasti, 448  
Aperitivo & digerente, 447, 459  
Carne, 455  
Cheeses, 452  
Dolce, 452, 458  
Insalata, 456  
Intermezzo, 452  
La verdura, 454  
Pasta, 450  
Pesce, 454  
Zuppa, 450

**BITTER CAMPARI**

Negroni, 359

**BLACKBERRIES**

Intermezzo, 149

**BOCCE BALL COCKTAIL**

Recipe, 379

**BOCCONCINI**

Translation, 3

**BREAD**

Brushette, 29  
Grissini, 12  
Panettone, 381  
Pasta with walnuts and bread crumbs, 123  
Role in Italian cuisine, 4  
Toasted bread, 29

**BROCCOLI RABE WITH SAUSAGE AND BEANS**

Recipe, 215

**CACCIATORA**

Polo alla cacciatora, 251

**CACCIATORE**

Translation, 252

**CAFFE SHAKERATO**

Recipe, 365

**CALAMARI POMODORA**

Recipe, 185

**CAMPARI**

American, 363  
Back in the saddle cocktail, 375  
Fernet with compari, 375  
Negroni, 359

## INDEX TO RECIPES

### **CAMPARI—Cont'd**

Negroni Sbagliato, 361

### **CAPERS**

Tapenade, 19

### **CAPONATA**

Recipe, 17

### **CAPRESE**

Insalata caprese, 293

### **CARDAMOM**

Sherry cardamom granita, 161

### **CARNE**

Generally, 247 *et seq.*

Agnello arrosto, 253

Bibliography, 455

Chicken cacciatora, 251

Polo alla cacciatora, 251

Porchetta arrosto, 247

Roast leg of lamb, 253

Roast loin of pork, 247

Salsiccia con peperoni alla scaloppini, 249

Sausage cut thin with peppers, 249

Veal in tomato sauce, 255

Vitella scoloppini, 255

### **CECI BEANS AND PASTA**

Recipe, 67

### **CETRIOLO**

Translation, 289

### **CHAMPAGNE**

Bellini

Generally, 345

two minute version, 349

Granita, 159

### **CHEESES**

Bibliography, 452

### **CHICKEN CACCIATORA**

Recipes, 251

### **CHICK PEAS AND PASTA**

Recipe, 67

### **CICORIA**

Insalata di cicoria e finocchio, 291

### **CILIEGIO PEPE**

Translation, 289

### **COD**

Generally, 182

Salad with salted cod, 295

### **COMPARI**

Fernet with, 375

Sorbetto, 145

### **CONCH**

Salad with sliced conch, 299

### **CON DI NOCI PASTA**

Recipe, 123

### **COZZE POMODORO**

Recipe, 183

### **CUCINA POVERA**

Translation, 43

### **CUTTLEFISH STEWED IN TOMATOES**

Recipe, 185

### **DANDELION AND FENNEL SALAD**

Recipe, 291

### **DESERTS**

See Dolce, this index

### **DIFFUSIONE DI OLIVA**

Recipe, 19

### **DIGERENTE**

See Aperitivo & Digerente, this index

### **DOLCE**

Generally, 317 *et seq.*

Amaretto apricot oatmeal chews, 325

Amaretto rice pudding, 323

Bibliography, 452, 458

Granita, this index

Jewish apple cake, 327

Raspberry lemon tiramisu, 319

Zucatta cake, 321

### **DRINKS**

See Aperitivo & Digerente, this index

### **EGG GIAMBOTTA**

Recipe, 41

### **EGGPLANT**

Sweet and sour, 17

### **ESCAROLE AND BEANS**

Recipe, 209

**FAGIOLINI**

Translation, 66

**FENNEL**

Dandelion and fennel salad, 291

**FERNET BRANCA**

Generally, 369

Back in the saddle cocktail, 375

Fernet with compari, 375

**FERNET CON COCA**

Recipe, 373

**FERNET FOOTBALL**

Recipe, 377

**FERNET WITH COMPARI**

Recipe, 375

**FETTUCINE ALA RICOTTA**

Recipe, 125

**FINOCCHIO**

Insalata di cicoria e finocchio, 291

**FIRE AND ICE SALAD**

Recipe, 287

**FISH**

See Pesce, this index

**FLORILEGIUM**

Translation, 1

**FRIED POLENTA OR CORNMEAL**

Recipe, 45

**FRITTATA**

Cooking tips, 41

**FRITTATA ALA DOMENICO**

Recipe, 39

**FRITTATA ALA SALSICCIA E SPINACI**

Recipe, 37

**FRITTATA ALA TOMASSO VESPER**

Recipe, 33

**FRITTO**

Translation, 33

**FUOCO E INSALATA DI GHIACCIO**

Recipes, 287

**GELATO**

Intermezzo, 143

**GIAMBOTTA**

Translation, 41

**GIAMBOTTA ZUCCHINI**

Recipe, 207

**GIN**

Negroni, 359

Vesper martini, 347

**GINGER BEER**

Back in the saddle cocktail, 375

Fernet with compari, 375

**GNOCCHI CON DOLCE PATATA**

Recipe, 119

**GODCHILD (COCKTAIL)**

Recipe, 357

**GODFATHER (COCKTAIL)**

Recipe, 353

**GODMOTHER (COCKTAIL)**

Recipe, 355

**GRANITA**

Champagne, 159

Grapefruit campari granita, 157

Intermezzo, 143

Lemone granita alla siciliano, 153

Mint julep granita, 155

Sherry cardamom granita, 161

White wine granita, 159

**GRAPEFRUIT CAMPARI GRANITA**

Recipe, 157

**GRISSINI**

Translation, 12

**GROG**

Navy grog, 343

**INSALATA**

Generally, 287 et seq.

Antipasto insalata, 15

Bibliography, 456

Caprese, insalata, 293

Cetriolo, 289

Ciliegio pepe, 289

Dandelion and fennel salad, 291

Di baccala, insalata, 295

Di cicoria e finocchio, insalata, 291

Di polpo, insalata, 297

Fire and ice salad, 287

## INDEX TO RECIPES

### **INSALATA—Cont'd**

Fuoco e insalata di ghiaccio, **287**  
Insalata caprese, **293**  
Octopus salad, **297**  
Prosciutto in, **15**  
Salted cod, salad with, **295**  
Scungilli salad, **299**  
Sliced conch, salad with, **299**  
Tomato and mozzarella salad, **293**

### **INTERMEZZO**

Generally, **143 et seq.**  
Bibliography, **452**  
Blackberries, **149**  
Champagne granita, **159**  
Compari sorbetto, **145**  
Gelato, **143**  
Granita, this index  
Grapefruit campari granita, **157**  
Lemone granita alla siciliano, **153**  
Limoncello mint sorbetto, **147**  
Mint julep granita, **155**  
Sherry cardamom granita, **161**  
Sorbet, **143**  
Strawberry sorbetto, **151**  
White wine granita, **159**

### **ITALIAN HAM**

Antipasti, **11**

### **JEWISH APPLE CAKE**

Recipe, **327**

### **KINA LILLET**

Vesper martini, **347**

### **KITCHEN TIPS**

Generally, **3**

### **LAMB**

Agnello arrosto, **253**

### **LA VERDURA**

Generally, **207 et seq.**  
Bibliography, **454**  
Broccoli rabe with sausage and beans, **215**  
Escarole and beans, **209**  
Giambotta zucchini, **207**  
Peperone con ripieno, **213**  
Rapini con salsiccia e fagioli, **215**  
Riso con la verza, **211**  
Savoy cabbage with rice, **211**  
Scarola con fagioli, **209**

### **LA VERDURA—Cont'd**

Stuffed peppers, **213**  
Summer vegetables, **211**  
Winter vegetables, **211**  
Zucchini stew, **207**

### **LEMONE GRANITA ALLA SICILIANO**

Recipe, **153**

### **LIMONCELLO**

Recipe, **367**

### **LIMONCELLO MINT SORBETTO**

Recipes, **147**

### **MACARONI**

See Pasta in Italian Cuisine, this index

### **MARINATED ARTICHOKEs**

Recipe, **13**

### **MARINE CORPS PUNCH**

Recipe, **341**

### **MARTINI ROSSO**

Negroni Sbagliato (cocktail), **361**

### **MERLUZZO DI POMODORA**

Recipe, **181**

### **MINESTRONE**

Translation, **72**

### **MINESTRONE CON POLPETTE**

Recipe, **71**

### **MINT JULEP GRANITA**

Recipe, **155**

### **MOZZARELLA**

Tomato and mozzarella salad, **293**

### **MUSSELS IN TOMATO SAUCE**

Recipe, **183**

### **MUTTON**

Agnello arrosto, **253**

### **NAVY GROG**

Recipe, **343**

### **NEGRONI (COCKTAIL)**

Recipe, **359**

### **NEGRONI SBAGLIATO (COCKTAIL)**

Recipe, **361**

### **NOODLES**

See Pasta in Italian Cuisine, this index

**OATMEAL**

Amaretto apricot oatmeal chews, 325

**OCTOPUS SALAD**

Recipe, 297

**OLIVE SPREAD**

Recipe, 19

**ORZO**

Translation, 69

**PANETTONE**

Translation, 381

**PARMA HAM**

Antipasti, 11

**PARMESAN**

Risotto alla zucca, 127

**PASTA FAZOO**

Translation, 66

**PASTA IN ITALIAN CUISINE**

Generally, 105] *et seq.*

Bibliography, 450

Decorative shaped pasta, 108

Different functions, understanding, 113

Extruded, 107

Fancy shapes, 108

Irregular shaped pasta, 110

Long noodles, 105

Minute pasta, 109

Pesto sauce, 121

Ribbon cut, 106

Short-cut, 107

Spicy pasta, 117

Strand pasta, 105

Stuffed pasta, 110

Thyme butter recipe, 120

Tiny pasta, 109

Tubular, 107

Varieties of pasta, 105

**PASTA RECIPES**

Basil and pine nuts sauce, 121

Con di noci pasta, 123

E ceci, 67

E fagiole, 65

Puttanesca, 117

With ricotta, 125

Risotto pasta with ricotta, 127

Sauce of the harlot, 117

**PASTA RECIPES—Cont'd**

Walnuts and bread crumbs, pasta with, 123

**PEPERONE CON RIPIENO**

Recipe, 213

**PEPERONI**

Salsiccia con peperoni alla scaloppini, 249

**PEPPERS**

Chicken cacciatora, 251

Ciliegio pepe, 289

Egg giambotta, 41

Frittata ala Domenico, 39

Fuoco e insalata di ghiaccio, 287

Giambotta zucchini, 207

Origin and use, 31

Polo alla cacciatora, 251

Roasted peppers, 31

Salad uses, 15

Salad with salted cod, 295

Sausage cut thin with peppers, 249

Stuffed peppers, 213

Vitella scoloppini, 255

**PESCE**

Generally, 181 *et seq.*

Bibliography, 454

Calamari pomodora, 185

Cod, 182

Conch, salad with, 299

Cozze pomodoro, 183

Cuttlefish stewed in tomatoes, 185

Insalata di baccala, 295

Insalata di polpo, 297

Merluzzo di pomodora, 181

Mussels in tomato sauce, 183

Octopus salad, 297

Salad with salted cod, 295

Salad with sliced conch, 299

Squid stewed in tomatoes, 185

Tilapia con pomodora, 187

Tilapia with tomatoes, 187

Whiting in tomato sauce, 181

**PESTO SAUCE**

Recipe, 121

**POLENTA**

Fried polenta or cornmeal, 45

**POLO ALLA CACCIATORA**

Recipe, 251

## INDEX TO RECIPES

### **POLPETTA, POLPETTINE**

Translation, 72

### **POLPO**

Insalata di polpo, 297

### **PORCHETTA ARROSTO**

Recipe, 247

### **PORK**

Roast loin of pork, 247

### **PROSCIUTTO**

Crudo, prosciutto, 11

Salad uses, 15

### **PROSECCO**

Godchild (cocktail), 357

### **PUMPKIN**

Risotto alla zucca, 127

### **RAPINI CON SALSICCIA E FAGIOLI**

Recipe, 215

### **RASPBERRY LEMON TIRAMISU**

Recipe, 319

### **RICE**

Amaretto rice pudding, 323

Savoy cabbage with rice, 211

### **RICOTTA**

Pasta with ricotta, 125

### **RISO, RISOTTO, RISONI**

Translations, 69

### **RISO CON LA VERZA**

Recipe, 211

### **RISOTTO**

Alla zucca, risotto, 127

Pasta with ricotta, risotto, 127

Zuccarrelli risotto, 127

### **ROASTED PEPPERS**

Recipe, 31

### **ROAST LEG OF LAMB**

Recipe, 253

### **ROAST LOIN OF PORK**

Recipe, 247

### **RUM**

Marine Corps punch, 341

Navy grog, 343

### **RUM—Cont'd**

1775 fortitude rum punch, 341

### **SALAD**

See Insalata, this index

### **SALSICCIA CON PEPERONI ALLA SCALOPPINI**

Recipe, 249

### **SAUSAGE**

Broccoli rabe with sausage and beans, 215

Omlette, sausage and spinach, 37

Peppers, sausage cut thin with, 249

### **SAVOY CABBAGE WITH RICE**

Recipe, 211

### **SCALOPPINI**

Salsiccia con peperoni alla scaloppini, 249

### **SCAROLA CON FAGIOLI**

Recipe, 209

### **SCOLOPPINI**

Vitella scoloppini, 255

### **SCOTCH WHISKY**

Godfather (cocktail), 353

### **SCUNGILLI**

Salad with sliced conch, 299

### **SEAFOOD**

See Pesce, this index

### **1775 FORTITUDE RUM PUNCH**

Recipe, 341

### **SHERRY CARDAMOM GRANITA**

Recipe, 161

### **SNACKS**

See Antipasti, this index

### **SORBET**

Intermezzo, 143

### **SOUP**

See Zuppa, this index

### **SPAGHETTI**

See Pasta in Italian Cuisine, this index

### **SPICY PASTA**

Recipe, 117

### **SPINACH**

Rice and spinach zuppa, 69

**SPINACH—Cont'd**

Sausage and spinach omlette, 37

**SPUMANTE**

Negroni Sbagliato (cocktail), 361

**SQUID**

Stewed in tomatoes, 185

**STRAWBERRY SORBETTO**

Recipe, 151

**STUFFED PEPPERS**

Recipe, 213

**SUMMER VEGETABLES**

Generally, 211

**SWEET AND SOUR EGGPLANT**

Recipe, 17

**SWEETPOTATO GNOCCHI**

Recipe, 119

**SWEETS**

See Dolce, this index

**TAPENADE**

Recipe, 19

**THYME BUTTER**

Recipe, 120

**TILAPIA**

Con pomodora, tilapia, 187

Translation, 187

**TIRAMISU**

Translation, 319

**TOMASSO VESPER**

Frittata ala tomasso vesper, 33

**TOMATOES**

Brushette, 29

Calamari pomodora, 185

Chicken cacciatora, 251

Cozze pomodoro, 183

Cuttlefish stewed in tomatoes, 185

Giambotta zucchini, 207

Merluzzo di pomodora, 181

Minestrone con polpetta, 71

Mozzarella and tomato salad, 293

Mussels in tomato sauce, 183

Pasta e fagiolle, 65

Pasta puttanesca, 117

Polo alla cacciatora, 251

**TOMATOES—Cont'd**

Salad uses, 15

Salsiccia con peperoni alla scaloppini, 249

Sauce of the harlot, 117

Sausage cut thin with peppers, 249

Spicy pasta, 117

Squid stewed in tomatoes, 185

Tilapia con pomodora, 187

Veal in tomato sauce, 255

Vegetable omelet, 33

Whiting in tomato sauce, 181

Zucchini stew, 207

**VEAL IN TOMATO SAUCE**

Recipe, 255

**VEGETABLES**

See La Verdura, this index

**VERMOUTH**

Americano (cocktail), 363

Negroni, 359

**VESPER MARTINI**

Recipe, 347

**VIN BRULE (COCKTAIL)**

Recipe, 381

**VITELLA SCOLOPPINI**

Recipe, 255

**VODKA**

Bocce ball cocktail, 379

Godmother (cocktail), 355

Limoncello, 367

Vesper martini, 347

**WALNUTS**

Pasta with walnuts and bread crumbs, 123

**WHITING IN TOMATO SAUCE**

Recipe, 181

**WINE**

Bartending tips, 5

Bellini

Generally, 345

two minute version, 349

Vin brule, 381

White wine granita, 159

**WINTER VEGETABLES**

Generally, 211



## INDEX TO RECIPES

### **ZUCATTA CAKE**

Recipe, **321**

### **ZUCCA**

Translation, **127**

### **ZUCCARRELLI RISOTTO**

Recipe, **127**

### **ZUCCHINI STEW**

Recipe, **207**

### **ZUPPA**

Generally, **65 et seq.**

Bibliography, **450**

Chick peas or ceci beans and pasta, **67**

Di spinaci e riso, **69**

Minestrone con polpette, **71**

Pasta e ceci, **67**

Pasta e fagiole, **65**

Spinach and rice, **69**



## Index to Trial Tips

### ACCEPTANCE OF CASES

See Case Acceptance Decisions, this index

### ACCIDENTS

Incident vs accident, effect of use of term on jurors, **219**

Reconstruction

Generally, **47**

expert use, **57**

Scene investigation

Google Earth views, **51**

preservation assumptions, **25**

### AFFIRMATIVE DEFENSE TRAPS

Investigation and preparation, **21**

### AGENTS

See Designated Representative Depositions, this index

### ANCHORING THE EVIDENCE

Juries, this index

Memory, this index

Neurolinguistic programming approach, **267**

Opening Statements, this index

PowerPoint use, **241**

Real evidence, anchoring testimony with, **227, 270**

Sound as anchor, **330**

Storytelling and anchoring, **227**

Videotape use, **330**

### ARGUMENT

Direct examination advocacy opportunities, **257**

Summation, this index

### ASSUMPTIONS

Accident scene preservation, **25**

Causation assumption errors, **22**

Client history accuracy assumptions, **24**

Dangers of assuming too much, **27, 76, 88**

Drawings, scale accuracy, **26**

Expert witnesses

background knowledge, **57**

competence, **26**

Incident reports, accuracy, **23**

Juror understanding of key facts, **223**

### ASSUMPTIONS—Cont'd

Liability assumption errors, **22**

Life expectancy, **24**

Police records accuracy and completeness, **23**

Prior claims, **24**

Real evidence admissibility, **282**

Records accuracy and completeness, **23**

Settlement assumption errors, **21**

Witness statement consistency, **25**

### ATTORNEY'S FEES

Contingent fee representation, financing of costs, **52**

### BIAS

Generally, **336**

Antiplaintiff, **336**

Approaching juror biases, **338**

ATLA jury bias project, **217**

Attribution, **336**

Availability, **202, 338**

Belief perseverance, **337**

Confirmation, **337**

Defense exploitation of biases

client disabilities, **24**

countering, **102**

Focus group studies, **336**

Frivolous lawsuit, **218**

Hindsight, **217**

Local bias affecting juror perceptions, **266**

Medical examiners', **130, 132, 196**

Mock jury use to identify, **191**

Perceptions of jurors, local bias affecting, **266**

Personal responsibility, **218, 336**

Stuff happens, **218**

Suspicion, **217**

Understanding juror biases, **191**

Victimization, **218**

Voir dire questions revealing, **190**

### BLUFFS

Negotiation and settlement, **405**

### BUSINESS ENTITIES

See Designated Representative Depositions, this index

## **CASE ACCEPTANCE DECISIONS**

- Generally, **20 et seq.**
- Client history accuracy assumptions, **24**
- Decision tree approach, **20**
- Early investigation, importance, **57, 382**
- Expert witness costs considerations, **58**
- Liability assumption errors, **22**
- Mock jury case evaluations, **229**
- Preexisting conditions, **24**
- Prior claims, **24**
- Records accuracy and completeness, **23**
- Witness statement consistency assumptions, **25**

## **CAUSATION**

- Assumptions about liability, **22**

## **CHAOS THEORY**

- Demand letters, **405**
- Negotiation, **399**

## **CHARTS**

- See Real Evidence, this index

## **CHOICES**

- Defendant's, accentuating, **340**
- Effect of use of term on jurors, **204**

## **CLIENT AS DEPONENT**

- Generally, **130 et seq.**
- Cliff notes for clients, **136**
- Credibility findings by medical examiners, **131**
- Demeanor improvement, **135**
- Diagrams use, **136**
- Disabilities questions, **134**
- Family member or friend support, **140**
- First language use, **138**
- Medical Examinations, this index
- Notes, use of, **136, 142**
- Pain questions, **135, 137**
- Preparation
  - generally, **131, 383**
  - standard questions, **134**
- Prior injuries/conditions questions, **134**
- Representation at medical examinations, **131**
- Role-playing exercises, **139**
- Structured lists, **138, 142**
- Timeline conflicts, **137**
- Translation assistance, **136**
- Unasked question issues, **139**

## **CLIENT AS WITNESS**

- Direct examination practice, **258**
- Preparation, **139**

## **CLIENT CREDIBILITY ISSUES**

- Generally, **196**

## **CLIENT DEMEANOR**

- Depositions, **135**
- Juror considerations, **199, 206**

## **CLIENT DISABILITIES**

- Defense exploitation, **24**

## **CLIENT ESCORTS**

- Medical examinations, **132**

## **CLIENT HISTORIES**

- Generally, **51, 229**
- Accuracy assumptions, **24**
- Medical examination use, **133**
- Prior incident surprises, **134**

## **CLIENT MEETINGS**

- Generally, **383**

## **CLOSING ARGUMENT**

- See Summation, this index

## **CONSULTANTS**

- See Juries, this index

## **CONTINGENT FEE REPRESENTATION**

- Costs, financing, **52**

## **CORPORATIONS**

- See Designated Representative Depositions, this index

## **COSTS**

- Conservation of trial costs, **54**
- Contingent fee cases, costs financing, **52**
- Defense cost estimates, assessing for settlement, **385**
- Discussing potential costs with clients, **56**
- Effective cost reduction methods, **63**
- Expert Witnesses, this index
- Jury consultant use, **139**
- Notebooks, costs savings, **60**
- Rebuttal experts use, **55**
- Settlement, defense costs assessments, **385**
- Strategic cost management, **56**

## **CROSS-EXAMINATION**

- Generally, **300 et seq.**
- Abusing the witness verbally, **305**
- Abusive questions, **310**
- Aspersing questions, **306**
- Asserting personal opinions, **303**
- Badgering and burdensome conduct, **308**

## INDEX TO TRIAL TIPS

### CROSS-EXAMINATION—Cont'd

- Bullying, **302**
- Changing the subject, **313**
- Contempt sanctions, **301**
- Crowding, **302**
- Defense cross-examination tips, **314**
- Delaying conduct, **308**
- Direct examination distinguished, **256**
- Editorializing, **303**
- Embarrassing questions, **304, 305**
- Emotions, controlling, **312**
- Ethical considerations, **300 et seq.**
- Evasive answers, dealing with, **306**
- Evidence rules
  - generally, **300**
  - examples of violations, **310**
- Exhibits, anticipating cross-examination treatment, **271**
- Experts, **314, 332**
- Excising, **307**
- Good faith bases for questions, **301, 306**
- Harassing a witness, **304**
- Illegal blocking, **307**
- Impeachment, this index
- Innuendo, **306**
- Interrupting answers
  - generally, **307**
  - irrelevant or prejudicial responses, **307**
- Introducing unproven or irrelevant facts, **306**
- Junk science, debunking, **201, 331 et seq.**
- Laughing, **303**
- Medical examiners, **314, 332**
- Misrepresenting facts or opinions, **306**
- Nitpicking a witness, **304**
- Over-the-edge questions, **310**
- Physical dynamics, **313**
- Prejudicial responses, interrupting, **307**
- Purposes, **313**
- Reacting to testimony, **301**
- Repeating answers, **304**
- Safe cross tips, **313**
- Sanctions, **310**
- Seven deadly sins of cross, **300**
- Shouting, **302**
- Soft cross technique, **314**
- Spiteful or shiftless conduct, **308**
- Stopping irrelevant or prejudicial responses, **307**
- Surprising answers, reacting to, **304**
- Syntax bullying, **305**
- Tactics for cross-examination control, **313**

### CROSS-EXAMINATION—Cont'd

- Three purposes, **313**
- Truthful witnesses, moral dilemma of crossing, **309**
- Types of cross-examinations, **313**
- Vocabulary bullying, **305**

### DAMAGES

- Concentrating and developing claims, **202**
- Day in the life videos, **264**
- Expert witness use in wrongful death cases, **412**
- Human damages, jury understanding, **195**
- Opening statement treatment of damages issues, **227**
- Outlining for settlement, **407, 412**

### DECISION TREES

- Case acceptance decisions, **20**

### DEFENSE COSTS

- Assessing for settlement, **385**

### DEFENSE EXPERTS

- Reports, reviewing, **62**

### DEFENSE MEDICAL EXAMINATIONS

- See Medical Examinations, this index

### DEFENSE STRATEGIES

- Anticipating, **97, 198**
- Wedge strategy, countering, **329**

### DEMONSTRATIVE EVIDENCE

- See Real Evidence, this index

### DEPOSITION PRACTICE

- Generally, **72 et seq.**
- After action planning, **74**
- Bracketing measurement opinions, **79**
- Case analysis preparation, **102**
- Cerebration tips, **73**
- Client as Deponent, this index
- Common civil practice rules problems, **74**
- Commonsense standards of conduct questions, **102**
- Computerized, real time transcripts, **201, 332**
- Deathstar deposition notice, **97, 163**
- Death star strategy, **93**
- Defending depositions. See Client as Deponent, this index
- Defense strategies, **97**
- Demeanor of deponent
  - capturing, **77**
  - client as deponent, **135**

## DEPOSITION PRACTICE—Cont'd

- Designated Representative Depositions, this index
- Dilatory discovery tactics, **101**
- Document use, **80**
- Domino principle, **76, 82**
- Evasiveness, preparing for, **103**
- Exhausting the deponent's knowledge, **77**
- Exhibit use, **75**
- Fact vs opinion answers of lay witnesses, **78**
- Federal protocols, **88**
- Final questions, **77**
- Focusing tips, **73**
- Form of question, objections as to, **89**
- Ground rules, **88**
- Hall Standards, **90**
- Impeachment material, preservation, **80**
- Instructions not to answer, **89**
- Interruptions, **89**
- Knowledge denials by representative deponents, **89, 95**
- Law of the case issues, **73**
- Making and updating the plan, **73**
- Measurement opinions, bracketing, **79**
- Medical examiner depositions, videotaping, **330**
- Miller mousetrap, **101, 163**
- Nailing down bases, **78**
- Nonparty document production, **92**
- Notebooks, this index
- Objecting to questions
  - generally, **74**
  - form of question, **89**
  - preservation, **89**
- Obstructive tactics, **90**
- Pin down questions, **77**
- Planning for the deposition, **73**
- Preparation
  - client as deponent, **131, 383**
  - evasive deponents, **103**
- Preservation of objections, **89**
- Prior statements, development through, **80**
- Production demands, **91 et seq.**
- Protocols, deposition, **88, 164**
- Purposes of depositions, **97**
- Reasonable availability of documents, **100**
- Reasons for lay opinions, establishing, **78**
- Representatives as deponents. See Designated Representative Depositions, this index
- Settlement, discovery posture to motivate, **399**
- Standards of conduct questions, **101**

## DEPOSITION PRACTICE—Cont'd

- Synopsizing transcripts, **75**
- Touching all bases, **78**
- Video depositions
  - generally, **77**
  - experts, **54**
  - medical examiners, **330**

## DESIGNATED REPRESENTATIVE (DCR) DEPOSITIONS

- Deathstar deposition notice, **97, 163**
- Duties, **94**
- Federal rules, **89**
- Knowledge denials, **89, 95**
- Production demands, **91, 93**

## DIAGRAMS

- See also Real Evidence, this index
- Scale accuracy assumptions, **26**
- Settlement communications, **407**

## DIRECT EXAMINATION

- Generally, **256 et seq.**
- Advocacy opportunities, **257**
- Anchoring, neurolinguistic programming approach, **267**
- Basic ABCs, **257**
- Confidence instilling interaction, **258**
- Cross-examination distinguished, **256**
- Documents, reading into evidence, **264**
- Experts, order of examination, **259**
- Integrating exhibits and demonstrative evidence, **268**
- Integrating visual and oral communication, **278**
- Interaction, confidence instilling, **258**
- Neurolinguistic programming approach to anchoring testimony, **267**
- Practice with the witness, **258**
- Preparation, cardinal rule of, **257**
- Prioritization, **259**
- Reading documents into evidence, **264**
- Rebutting surprises, **331**
- Surprising evidence, rebutting, **331**

## DISCOVERY

- Auto crash investigation tools, **49**
- Client as Deponent, this index
- Costs control, **46**
- Creating exhibits, **53**
- Defense expert reports, reviewing, **62**
- Deposition Practice, this index

## INDEX TO TRIAL TIPS

### DISCOVERY—Cont'd

- Designated Representative Depositions, this index
- Dilatory discovery tactics, **101**
- Exhibits, creating, **53**
- Expert witnesses at discovery stage, **60**
- Investigation expenses, **48**
- Medical Examinations, this index
- Nonparty document production, **92**
- Notebooks, this index
- Production demands, **91 et seq.**
- Settlement
  - assumption errors, **21**
  - discovery posture to motivate, **399**
- Strategy, **390**
- Written discovery, **46 et seq.**

### DOCUMENTS

- See also Real Evidence, this index
- Depositions, document use, **80**
- Expert witness document review planning, **60**
- Nonparty documents, **92**
- Production Demands, this index
- Reading into evidence, **264**
- Reasonable availability, **100**

### DOMINO PRINCIPLE

- Deposition practice, **76, 82**

### ETHICS

- Cross-examination ethics, **300 et seq.**
- Insurance fraud, **401**
- Situational ethics, **88**

### EVENT SCHEMA

- Opening statements, use in, **337**

### EVIDENCE

- Anchoring the Evidence, this index
- Documents, this index
- Production Demands, this index
- Real Evidence, this index

### EXPERT WITNESSES

- Accident reconstruction experts, **57**
- Background knowledge assumptions, **58**
- Competence assumptions, **26**
- Cross-examination, **314, 332**
- Damages experts use in wrongful death cases, **412**
- Defense expert reports, reviewing, **62**
- Demeanor, **333**
- Depositions, videotaping, **54**

### EXPERT WITNESSES—Cont'd

- Direct examination
  - order of examination, **259**
  - practice examinations, **258**
- Discovery stage, **60**
- Document review planning, **60**
- Fees
  - budgeting, **59**
  - costs considerations, **58**
  - financing, **52**
  - management, **56**
- Field of play analysis of experts, **76**
- Focussing the expert, **60, 62**
- Investigations by experts, cost considerations, **57**
- Junk science, debunking, **201, 331 et seq.**
- Jury consultants. See Juries, this index
- Legal research issues, **57**
- Medical examiners, cross-examination, **314, 332**
- Order of direct examination, **259**
- Planning the expert's report, **61**
- Rebuttal experts, **55, 62**
- Rebutting surprises, **331**
- Reports
  - planning, **61**
  - reviewing, **62**
- Reviewing the expert's report, **62**
- Selection assumptions, **26**
- Shirt-sleeve experts
  - generally, **333**
  - costs considerations, **51**
  - jury impacts, **63, 197**
- Surprising evidence, rebutting, **331**
- Synopses of opinions, **55**
- Videotape
  - depositions, **54**
  - testimony, pretrial, **330**

### EYE CONTACT

- Opening statements, **199, 230**
- Summation, **340**

### FOCUS GROUPS

- Exhibit and demonstrative evidence testing, **279**
- Juror bias problems, **336, 338**
- Notebook materials
  - generally, **164, 168**
  - organization, **176**
- Opening statement testing, **328**
- Summation testing, **328**

**FRAUD INVESTIGATIONS**

Insurer practices, 401

**GOOGLE EARTH**

Accident scene investigation, 51  
Exhibit creations, 53  
Photograph source, 49

**HEISENBERG UNCERTAINTY PRINCIPLE**

Negotiation, 399

**HEURISTICS**

Jury communication, 216

**HINDSIGHT PRINCIPLE**

Jury communication, 216

**HISTORIES**

See Client Histories, this index

**IMPEACHMENT**

Generally, 300  
Deposition acquisition of impeachment material, 80  
Truthful witnesses, 309  
Unimpeachable witnesses, 315

**INCIDENT REPORTS**

Accuracy assumption errors, 23

**INDEPENDENT MEDICAL EXAMINATIONS**

See Medical Examinations, this index

**INFERENCE TOOLS**

Jury communication, 216

**INFORMATION AVAILABILITY PRINCIPLE**

Jury communication, 217

**INSURANCE**

Fraud investigations, 401  
Juror attitudes, 205

**INVESTIGATION AND PREPARATION**

Generally, 20 et seq.  
Accident scene preservation assumptions, 25  
Affirmative defense traps, 21  
Auto crash investigation tools, 49  
Causation assumption errors, 22  
Client history accuracy assumptions, 24  
Decision tree approach, 20  
Drawing scale accuracy assumptions, 26  
Early investigation, importance, 57  
Expenses, 48  
Experts, use to investigate, cost considerations, 57

**INVESTIGATION AND PREPARATION**

**—Cont'd**

Expert witness selection assumptions, 26  
Google Earth, accident scene investigation, 51  
Liability assumption errors, 22  
Life expectancy assumptions, 24  
Paper trails worth tracking down, 23  
Preexisting condition assumptions, 24  
Prior claims assumptions, 24  
Records accuracy and completeness assumption errors, 23  
Records preservation assumption errors, 23  
Settlement assumption errors, 21  
Technical research, 57  
Witness information assumptions, 25  
Witness statement consistency assumptions, 25

**ISSUE FRAMING PRINCIPLE**

Jury communication, 217

**JOINT VENTURE REPRESENTATIONS**

Generally, 419

**JUNK SCIENCE**

Debunking, 201, 331 et seq.

**JURIES**

Generally, 188 et seq.  
Accident, effect of use of term, 219  
Aesthetic need as motivator, 194, 277  
Analytical processing of the case, anticipating, 265  
Anchoring as communication technique  
    exhibit use, 227  
    neurolinguistic programming approach, 267  
    PowerPoint use, 241  
    testimony, 200  
    testimony use, 227  
Antidote for apathy, 190  
Antiplaintiff bias, 336  
Approaching juror biases, 338  
ATLA jury bias project, 217  
Attention level of jurors, recognizing, 240  
Attribution bias, 336  
Availability bias, 202, 338  
Bad conduct vs injury and juror motivation, 219  
Belief perseverance bias, 337  
Beliefs of jurors, speaking to, 216  
Best voir dire questions, 188  
Bias, this index  
Choices, effect of use of term on jurors, 204  
Circle of life approach to juror selection, 194



## INDEX TO TRIAL TIPS

### JURIES—Cont'd

- Client credibility issues, **196**
- Client demeanor, importance, **199, 206**
- Concentrating and developing damages, **202**
- Confirmation bias, **337**
- Connecting with the jury
  - generally, **190, 199**
  - jargon use, **203**
  - voir dire, **201**
- Conscious and unconscious reasoning, **239, 265**
- Consultants
  - generally, **188**
  - costs, **139**
  - information gaps, identifying, **236**
  - juror bias problems, **338**
  - techniques, **142**
- Costs, jury consultants, **139**
- Cross- vs direct examination, impacts distinguished, **257**
- Curiosity instinct as motivator, **194, 277**
- Decisionmaking, Paradox study, **192**
- Defense strategies, anticipating, **198**
- Demonstrations and exhibits, value of, **204**
- Emotion, controlling and using, **204**
- Environmental conditions affecting, **241**
- Event schema use, **337**
- Exhibits and demonstrative evidence as memory aids, **261**
- Eye Contact, this index
- Factors affecting jurors' perceptions and responses, **240**
- Focus Groups, this index
- Four minute drill and jurors' first impressions, **226**
- Frivolous lawsuit bias, **218**
- Go along approach to jury communication, **199**
- Heard vs said messages, distinctions, **221**
- Heuristics, **216**
- Hindsight bias, **217**
- Hindsight principle, **216**
- Human damages, understanding, **195**
- Indifference of otherwise nice jurors, combatting, **190**
- Inference tools, **216**
- Information availability principle, **217**
- Information gaps, identifying, **236**
- Information processing theory, **216**
- Injury vs bad conduct and juror motivation, **219**
- Insurance attitudes, **205**
- Issue framing principle, **217**

### JURIES—Cont'd

- Jargon use, **203**
- Laws of the land approach to juror selection, **194**
- Linking. Anchoring, above
- Local bias affecting juror perceptions, **266**
- Love and belonging instincts as motivators, **193, 277**
- Make a difference approach to juror selection, **194**
- Memory, this index
- Men vs women jurors' priorities, **226**
- Mirroring use during voir dire, **201**
- Mistake, effect of use of term on jurors, **197, 204, 219**
- Mock Juries, this index
- Moralist jurors, typography of, **410**
- Neurolinguistic programming
  - generally, **226**
  - anchoring testimony through, **267**
- Noneconomic damages understanding, **195**
- Notebooks, mock jury materials, **164, 168**
- Older vs younger jurors, **204**
- Opening Statements, this index
- Pain and suffering, juror understanding, **195**
- Paradox study of decisionmaking, **192**
- Perceptions of jurors
  - factors affecting, **240**
  - local bias affecting, **266**
- Personal life experiences affecting jurors' perceptions and responses, **240**
- Personal responsibility bias, **218, 336**
- Point of view, importance in storytelling, **221**
- Pragmatist jurors, typography of, **410**
- Preconceptions of jurors, speaking to, **216**
- Preexisting beliefs affecting jurors' perceptions and responses, **240**
- Processing of information by jurors, **239**
- Real evidence, jury testing, **279**
- Recall and recognition, enabling, **224**
- Recognition memory, **224**
- Reptile theory, **190**
- Responses of jurors, factors affecting, **240**
- Safety and security instincts as motivators, **193, 277**
- Said vs heard messages, distinctions, **221**
- Seinfeld syndrome, **190**
- Self-actualization need as motivator, **194, 277**
- Sequence of presentation, importance, **221**
- Seven Stakes approach to juror selection, **193**
- Shadow juries. See Mock Juries, this index

**JURIES—Cont'd**

- Shirt-sleeve experts use to impress, 197
- Shortening the trial, 202
- Socially responsible jurors, typography of, 410
- Socioeconomic filters affecting jurors' perceptions and responses, 240
- Stuff happens bias, 218
- Summation, this index
- Survival instinct as motivator, 193, 277
- Suspicion bias, 217
- Ten voir dire ideas, 192
- Top three voir dire questions, 188
- Typographies of jurors, 410
- Unasked question issues, 139
- Unconscious and analytical processing of the case, anticipating, 278
- Victimization bias, 218
- Views, use of, 204
- Witness credibility, jurors' assessments, 199
- Women vs men jurors' priorities, 226
- Younger vs older jurors, 204

**LIABILITY**

- Assumptions about liability, 22
- Defendant choices and, 340
- General vs specific discussion about liability, 339

**LIFE EXPECTANCY**

- Assumptions, 24
- Computations, 412

**LINKING**

- See Anchoring the Evidence, this index

**MEDIATION**

- Generally, 382 et seq.
- Decisionmaking by mediators, 409
- Typographies of mediators, 410

**MEDICAL EXAMINATIONS**

- Cancellations and no shows, 132
- Credibility findings, 131
- Cross-examination of medical examiners, 314, 332
- Defense strategies, 130
- Depositions of medical examiners, videotaping, 330
- Escorts for client, 132
- Histories, accuracy assumptions, 24
- Independent medical exam fictions, 130, 132, 196
- Instructions for client, 132
- Junk science, debunking, 201, 331
- Rebutting surprises, 331

**MEDICAL EXAMINATIONS—Cont'd**

- Representation of client at, 131
- Rules, establishing, 132
- Surprising evidence, rebutting, 331
- Videotaping depositions of medical examiners, 330

**MEMORY**

- See also Anchoring the Evidence, this index
- Attention level and memory capacity, 240
- Exhibits, making them memorable, 267
- Exhibits and demonstrative evidence as aids, 261
- Jurors' memory capacity, recognizing, 240
- Jury communications, memory organization packages, 227
- Organization packages, memory, 227
- Recognition memory, 224
- Sponsorship of exhibits and, 272

**MILLER MOUSETRAP**

- Deposition practice, 101, 163

**MIRRORING**

- Use during voir dire and opening statements, 201

**MISTAKE**

- Effect of use of term on jurors, 197, 204, 219

**MOCK JURIES**

- Biases, identifying, 191
- Case evaluation, 229
- Direct examination practice, 258
- Exhibit testing, 267
- Notebooks, mock jury materials, 164, 168
- Opening statement rehearsal, 241
- Real evidence, jury testing, 279
- Visual strategies, improving, 53

**MULTIPLE CLAIMANTS**

- Representing, 417

**NEGOTIATION**

- Generally, 382 et seq.
- See also Settlement, this index
- Bluffs, 405
- Chaos theory, 399
- Heisenberg uncertainty principle, 399

**NEUROLINGUISTIC PROGRAMMING**

- Anchoring the evidence, 267
- Jury communications, 226

**NOTEBOOKS**

- Generally, 162 et seq.
- Access tools, 163

## INDEX TO TRIAL TIPS

### NOTEBOOKS—Cont'd

- Alternative/complimentary dispute resolution proceedings, **165**
- Briefs, settlement, **393**
- Costs savings, **60, 170**
- Data section, settlement, **393, 394**
- Deathstar deposition notice, **97, 163**
- Deposition notebooks
  - generally, **167**
  - designated representative depositions, **93**
  - forms, **88**
  - organization, **164**
  - planning use, **74**
  - protocols, **88, 164**
  - use, **76**
- Designated representative depositions, **93**
- File sense approach to organization, **163**
- Florilegium, **1**
- Focus group materials
  - generally, **164, 168**
  - organization, **176**
- Folder organization systems compared, **174**
- Folder use compared, **75**
- Forms
  - generally, **171**
  - deposition notebooks, **88**
- Guides, **166**
- Main notebook, **167**
- Miller mousetrap, **101, 163**
- Mock jury materials, **164, 168**
- Opening statements use, **229**
- Organization
  - file sense approach, **163**
  - focus group materials, **176**
  - folder organization systems compared, **174**
  - settlement notebooks, **171, 388, 392**
  - trial notebooks, **177**
- Overview section, **393**
- Paralegal updating responsibilities, **166**
- Paralegal use, **60**
- Presentations, settlement, **393**
- Protocols, deposition, **88**
- Recycling and reuse, **166, 170**
- Settlement notebooks
  - generally, **167, 386**
  - aids, **165**
  - briefs, **393**
  - data section, **393, 394**
  - organization, **171, 388, 392**
  - overview section, **392**

### NOTEBOOKS—Cont'd

- Settlement notebooks—Cont'd
  - presentations, **393**
  - three-part system, **392**
- Staff updating responsibilities, **166**
- Supplementation, **164**
- Trial notebooks
  - generally, **168**
  - organization, **164, 177**

### OPENING STATEMENTS

- Generally, **216 et seq.**
- Accident, effect of use of term on jurors, **219**
- Anchoring as communication technique
  - exhibit use, **227**
  - PowerPoint use, **241**
- ATLA jury bias project, **217**
- Attention level of jurors, recognizing, **240**
- Bad conduct vs injury and juror motivation, **219**
- Beginner mistakes to avoid, **233**
- Beliefs of jurors, speaking to, **216**
- Building an effective case strategy, **242**
- Choices, effect of use of term on jurors, **204**
- Color mistakes in use of, **237**
- Connecting with the jury
  - generally, **199**
  - jargon use, **203**
- Conspicuity problems, **239**
- Damages issues, **227**
- Darkside mistakes to avoid, **233**
- Defense strategies, anticipating, **198**
- Detail, using and avoiding, **220**
- Diffusion errors, **197**
- Dos and don'ts of storytelling, **222, 230**
- Emotion, controlling and using, **204**
- Environmental conditions affecting jurors, **241**
- Event schema use, **337**
- Excite the little child within us all, **225**
- Exhibit use, **227**
- Eye contact, **199, 230**
- Factors affecting jurors' perceptions and responses, **240**
- Facts statements, streamlining, **197**
- Focus group testing, **328**
- Four minute drill and jurors' first impressions, **226**
- Four storytelling rules, **220**
- Frivolous lawsuit bias, **218**
- Go along approach to jury communication, **199**
- Heard vs said messages, distinctions, **221**

## OPENING STATEMENTS—Cont'd

- Heuristics, **216**
- Hindsight principle, **216**
- Ideations, **227**
- Importance of, **222**
- Inference tools, **216**
- Information availability principle, **217**
- Information processing theory, **216**
- Injury vs bad conduct and juror motivation, **219**
- Intermediate mistakes, **235**
- Issue framing principle, **217**
- Jargon use, **203**
- Juror beliefs and preconceptions, speaking to, **216**
- Linking. Anchoring, above
- Memory capacity of jurors, recognizing, **240**
- Memory organization packages, **227**
- Men vs women jurors' priorities, **226**
- Mirroring use, **201**
- Mistake, effect of use of term on jurors, **197, 204, 219**
- Mock jury rehearsals, **241**
- Natural motivational analysis, use of, **227**
- Neurolinguistic programming, **226**
- Notebook use, **229**
- Perceptions of jurors, factors affecting, **240**
- Personal life experiences affecting jurors' perceptions and responses, **240**
- Personal responsibility bias, **218**
- Perspicuity problems, **239**
- Pictures, mistakes in use of, **237**
- Point of view, importance in storytelling, **221**
- Positive and negative thoughts, **222**
- PowerPoint use
  - generally, **230 et seq.**
  - anchoring the PowerPoint opening, **241**
  - defense use dangers, **243**
  - staff training, **244**
- Preconceptions of jurors, speaking to, **216**
- Preexisting beliefs affecting jurors' perceptions and responses, **240**
- Preparation, **229**
- Present tense use, **226**
- Primacy, **223**
- Priorities for storytellers, **226**
- Processing of information by jurors, **239**
- Recall and recognition, enabling, **224**
- Recency, **223**
- Rehearsing, **198**
- Responses of jurors, factors affecting, **240**

## OPENING STATEMENTS—Cont'd

- Said vs heard messages, distinctions, **221**
- Sentimentality, **222**
- Sequence of presentation, importance, **221**
- Socioeconomic filters affecting jurors' perceptions and responses, **240**
- Storytelling
  - generally, **219 et seq.**
  - see also Storytelling, this index
- Streamlining facts statements, **197**
- Stuff happens bias, **218**
- Suspicion bias, ATLA study, **217**
- Symbols, mistakes in use of, **237**
- Text, mistakes in use of, **237**
- Theme creation, **222**
- Victimization bias, **218**
- Visual aids, **230 et seq.**
- Women men jurors' priorities, **226**
- Written text, mistakes in use of, **237**

## OPINIONS

- Expert Witnesses, this index
- Measurement opinions, bracketing, **79**
- Reasons for lay opinions, establishing, **78**

## PAIN

- Client as deponent, pain questions, **135, 137**
- Conscious vs unconscious conditions based on medical reports, **412**
- Four steps of pain, **383**
- Juror understanding, **195**
- Settlement brief illustrations, **407**

## PARADOX STUDY

- Jury decisionmaking, **192**

## PHOTOGRAPHS

- See also Real Evidence, this index
- Google Earth as source, **49**
- Settlement communications, **407**

## PLEADINGS

- Generally, **46 et seq.**

## POLICE REPORTS

- Accuracy assumption errors, **23**

## POWERPOINT PRESENTATIONS

- See also Real Evidence, this index
- Anchoring the PowerPoint opening, **241**
- Comparison of display modes, **284**
- Defense use dangers, **243**
- Opening Statements, this index
- Overuse, **281**

## INDEX TO TRIAL TIPS

### **POWERPOINT PRESENTATIONS—Cont'd**

- Staff training, **244**
- Summation, use in, **335**

### **PREEXISTING CONDITIONS**

- Assumptions, **24**

### **PREJUDICE**

- See Bias, this index

### **PRIOR CLAIMS**

- Assumptions, **24**

### **PRIOR STATEMENTS**

- Depositions, development in, **80**

### **PRODUCTION DEMANDS**

- Generally, **91 et seq.**
- Deathstar deposition notice, **97, 163**
- Enforcement, **94**
- Nonparties, **93**
- Response duties, **93**

### **REAL EVIDENCE**

- Generally, **261 et seq.**
- Admissibility, **282**
- Advantages and disadvantages, **284**
- Anchoring exhibits, **270**
- Anchoring testimony with, **227**
- Building block analogy, **270**
- Chart junk, **280**
- Color
  - communicative impact, **273**
  - misuse, **281**
- Comparison of display modes, **284**
- Creating, **53**
- Cross-examination use, anticipating, **271**
- Data dense exhibits, avoiding, **280**
- Deposition use, **75**
- Display modes compared, **284**
- Documents, this index
- Drawings, scale accuracy assumptions, **26**
- Effectiveness, improving, **273**
- Elmo use, **281**
- Focus group testing of effectiveness, **279**
- Google Earth as resource, **53**
- Icons, communicative impact, **273**
- Improving effectiveness, **273**
- Integrating in direct examination, **268**
- Integrating visual and oral communication, **278**
- Jury testing, **279**
- Lasting impact exhibits, **267**
- Linking to testimony, **242**

### **REAL EVIDENCE—Cont'd**

- Making the exhibit memorable, **267**
- Memory aids, **261**
- Mock jury exhibit testing, **267**
- Naked charts, **281**
- Objections, avoiding, **262**
- Overdoing it, **280**
- Permission to use, obtaining, **282**
- Pictures, communicative impact, **273, 278**
- PowerPoint Presentations, this index
- Printed words, communicative impact, **273**
- Production Demands, this index
- Reading documents into evidence, **264**
- Scarcity theory, **273**
- Spoliation dangers, **47**
- Sponsorship theory, **272**
- Strategic functions, **270**
- Summation, exhibits use, **340**
- Symbols, communicative impact, **273**
- Unlabeled charts, **281**
- Videotape, this index
- Views, use of, **204**

### **RECORDS**

- Accuracy assumption errors, **23**

### **RE-DIRECT EXAMINATION**

- See Direct Examination, this index

### **REFLEX SYMPATHETIC DYSTROPHY SYNDROME**

- Junk science, debunking, **334**

### **REPRESENTATIVE DEPOSITIONS**

- See Designated Representative Depositions, this index

### **RISK**

- Settlement risk analyses, **397**

### **ROLE-PLAYING EXERCISES**

- Generally, **139**

### **SCARCITY THEORY**

- Exhibit use, **273**

### **SEINFELD SYNDROME**

- Jury selection tips, **190**

### **SETTLEMENT**

- Generally, **382 et seq.**
- See also Negotiation, this index
- Appearance of preparedness, **406**
- Assumptions about settlements, **21**
- Bluffs, **405**

## **SETTLEMENT—Cont'd**

- Briefs
  - generally, **403**
  - see also Notebooks, this index
  - appearance of preparedness, **406**
  - length, **407**
  - pain illustrations, **407**
- Brochures, **393, 406**
- Computerized presentations, **408**
- Damages, outlining, **412**
- Defendant's settlement range, **391**
- Defense costs, assessing, **385**
- Delays, explaining to client, **383**
- Demand letters, **403**
- Diagrams use, **407**
- Discovery posture to motivate settlement, **399**
- Double teaming settlement and trial, **418**
- Evaluations and themes, **409**
- Financial analysis of case value, **391**
- Halpern H-Bomb demand letter, **405**
- Headlines in demand letters, **403**
- Joint venture representations, **419**
- Multiple claimants, representing, **417**
- Notebooks, this index
- Openings, **409**
- Pain illustrations, **407**
- Photographs use, **407**
- Preparedness, demonstrating, **406**
- Presentations
  - generally, **403**
  - see also Notebooks, this index
  - computerized, **408**
  - types of, **406**
  - video, **408**
- Risk analyses, **397**
- Science of settlement, **399**
- Specific amount demands, **404**
- Spicing up settlement demands, **384**
- Storytelling
  - generally, **409**
  - testing the story theme, **417**
- Strategy, **390, 394**
- Types of presentations, **406**
- Video presentations, **408**

## **SHADOW JURIES**

- See Mock Juries, this index

## **SPONSORSHIP THEORY**

- Exhibit use, **272**

## **STORYTELLING**

- Anchoring and storytelling, **227**
- Detail, using and avoiding, **220**
- Dos and don'ts of storytelling, **222, 230**
- Facts vs people as focus, **220**
- Four storytelling rules, **220**
- Memory organization packages, **227**
- Men vs women jurors' priorities, **226**
- Opening Statements, this index
- People vs facts as focus, **220**
- Point of view, importance in storytelling, **221**
- Present tense use, **226**
- Priorities for storytellers, **226**
- Settlement, **409, 417**
- Summation, this index
- Testing the story theme, **417**
- Vignettes use, **340**
- Women vs men jurors' priorities, **226**

## **SUMMATION**

- Generally, **328 et seq.**
- Accentuate the positive, **340**
- Accident, effect of use of term on jurors, **219**
- Analogies, **340**
- Anchoring the evidence during, **330**
- ATLA jury bias project, **217**
- Attention level of jurors, recognizing, **240**
- Bad character issues, **340**
- Bad conduct vs injury and juror motivation, **219**
- Character issues, **340**
- Choices
  - defendant's, accentuating, **340**
  - effect of use of term on jurors, **204**
- Connecting with the jury
  - generally, **199**
  - jargon use, **203**
- Countering the defense wedge strategy, **329**
- Defense wedge strategy, countering, **329**
- Eliminate the negative the positive, **340**
- Emotion, controlling and using, **204**
- Environmental conditions affecting jurors, **241**
- Exhibits use, **340**
- Eye contact, **340**
- Factors affecting jurors' perceptions and responses, **240**
- Focus group testing, **328**
- Frivolous lawsuit bias, **218**
- Fundamental attribution arguments, **340**
- Future vs present impact of injury, **340**
- General vs specific discussion about liability, **339**



## INDEX TO TRIAL TIPS

### SUMMATION—Cont'd

- Go along approach to jury communication, **199**
- Good character issues, **340**
- Heard vs said messages, distinctions, **221**
- Heuristics, **216**
- Hindsight principle, **216**
- Inference tools, **216**
- Information availability principle, **217**
- Information processing theory, **216**
- Injury impact, present vs future, **340**
- Injury vs bad conduct and juror motivation, **219**
- Issue framing principle, **217**
- Jargon use, **203**
- Liability
  - defendant choices and, **340**
  - general vs specific discussion, **339**
- Memory capacity of jurors, recognizing, **240**
- Mistake, effect of use of term on jurors, **197, 204, 219**
- Perceptions of jurors, factors affecting, **240**
- Personal life experiences affecting jurors' perceptions and responses, **240**
- Personal responsibility bias, **218**
- Point of view, importance in storytelling, **221**
- PowerPoint use, **335**
- Preexisting beliefs affecting jurors' perceptions and responses, **240**
- Present vs future impact of injury, **340**
- Priorities and time budgeting, **340**
- Quotations, **340**
- Rehearsing, **198**
- Responses of jurors, factors affecting, **240**
- Said vs heard messages, distinctions, **221**
- Sequence of presentation, importance, **221**
- Socioeconomic filters affecting jurors' perceptions and responses, **240**
- Sound as anchor of evidence, **330**
- Stuff happens bias, **218**
- Suspicion bias, **217**
- Ten-step quick mix for summations, **339**
- Time budgeting and priorities, **340**
- Victimization bias, **218**
- Videotape use, **335**
- Vignettes use, **340**
- Wedge strategy, countering, **329**

### TESTIMONY

- Cross-Examination, this index
- Direct Examination, this index
- Exhibits, linking to, **242**
- Expert Witnesses, this index

### TESTIMONY—Cont'd

- Witnesses, this index

### TRANSCRIPTS

- Computerized, real time transcripts, **201, 332**
- Deposition transcripts, synopses, **75**

### TREATING PHYSICIANS

- Causation assumption errors, **22**
- Records preservation assumption errors, **23**

### TRIAL

- Computerized, real time transcripts, **201, 332**
- Cross-Examination, this index
- Direct Examination, this index
- Double teaming settlement and trial, **418**
- Joint venture representations, **419**
- Notebooks, this index
- Opening Statements, this index
- Shortening the trial, **202**
- Summation, this index

### VIDEO CONFERENCING

- Generally, **330**

### VIDEOTAPE

- Generally, **330**
- See also Real Evidence, this index
- Anchoring value, **330**
- Day in the life videos, **264**
- Demeanor capture, **332**
- Direct examination practice, **258**
- Expert witness testimony, **330**
- Settlement presentations, **408**
- Summation, use in, **335**
- Witnesses statement records, **25**

### WEDGE STRATEGY

- Generally, **198**
- Countering, **329**

### WITNESSES

- Anchoring testimony, **200, 227**
- Bracketing measurement opinions, **79**
- Client as witness, preparation, **139**
- Credibility, jurors' assessments, **199**
- Cross-Examination, this index
- Deposition Practice, this index
- Direct Examination, this index
- Exhibits, linking to testimony, **242**
- Expert Witnesses, this index
- Impeachment, this index
- Information assumptions, **25**

**WITNESSES—Cont'd**

- Juror assessments of credibility, **199**
- Linking exhibits to testimony, **242**
- Measurement opinions, bracketing, **79**
- Memory organization packages, developing through testimony, **227**
- Practice examinations, **258**
- Reasons for lay opinions, establishing, **78**
- Statement consistency assumptions, **25**

**WITNESSES—Cont'd**

- Video records of statements, **25**

**WRONGFUL DEATH**

- Damages, outlining for settlement, **407, 412**
- Damages experts use, **412**
- Juror motivations, **193, 277**
- Life expectancy
  - assumptions, **24**
  - computations, **412**