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Make your oral argument with the objective of answering questions, not making a speech.

B. An effective plaintiff’s commercial case

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2. Draft your complaint so it is consistent with your theme.
3. Conduct discovery to get admissions and streamline the trial.
4. Stipulate to admission of documents as full exhibits.
5. File motions in limine on key evidentiary issues.
6. Prepare a trial notebook.
7. File a pretrial memo, even if not required by the pretrial order.
8. Select as few witnesses as you need and present them in a logical order.
9. Prepare your witnesses to avoid surprises in the courtroom.
10. Ask direct examination questions to get to point B efficiently and effectively.
11. Use exhibits to get to point B efficiently and effectively.
12. If the judge excludes your evidence, consider making an offer of proof.
13. Select an expert who has the required background and experience.
14. Miscellaneous tips.
15. Adjust all this advice for a jury trial.
16. Make the most of your theme.
17. How to deal with settlement shortly before or during trial.

C. An effective defendant’s commercial case

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3. Avoid conflicts of interest with current clients (Rules 1.7, 1.8, and 1.10).

4. Avoid conflicts of interest with former clients (Rules 1.9 and 1.10).

5. Comply with the ethical rules when you represent an organization (Rule 1.13).

6. Comply with the ethical rules when you decline or terminate representation of a client (Rule 1.16).

7. Know your ethical obligations if you discuss a matter with a prospective client (Rule 1.18).

8. Comply with the ethical requirement regarding meritorious claims and contentions (Rule 3.1).

9. Comply with the ethical requirement of candor to the tribunal (Rule 3.3).

10. Comply with the ethical requirement of fairness to the opposing party and counsel (Rule 3.4).

11. Be truthful in your statements to others (Rule 4.1).

12. Comply with the ethical rules when dealing with opposing parties who are represented by counsel and those not represented by counsel (Rules 4.2 and 4.3).

13. Know and comply with all applicable ethical rules.

C. Marketing your litigation practice

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