

ADVANCE PRAISE FOR
***HOW TO SUCCEED
AS A TRIAL LAWYER***

“When it comes to litigation, *How to Succeed as a Trial Lawyer* provides the most—and the most useful—advice you will ever find between two covers. It is a must for every trial lawyer’s bookshelf.”

—Professor Steven Lubet, author of many articles and books on litigation-related topics, including *Modern Advocacy: Analysis and Practice, 4th ed.*

“For any aspiring trial lawyer, *How to Succeed as a Trial Lawyer* includes everything you need to know that you didn’t learn in law school. It is fantastically organized, refreshingly straightforward, and includes easy-to-use practice checklists at the end of every chapter. It will be on my bookshelf (or more likely my desk—because I will be looking something up!) for many years to come.”

—Nila Bala, Yale Law School Class of 2012

“This is the book I wish I had in my first 10 years as a trial lawyer. It’s also the book I wish I could have handed out to trial lawyers while I was on the bench. Edelstein is thorough, concise, shrewd, and wise. The helpful table of contents makes this an efficient handbook, and using it will prevent many a pitfall. Whether the topic is management of emails, drafting settlement agreements, dealing with judicial questions at oral argument, or stipulations at depositions, Edelstein has thought it through and knows what works. His straightforward, approachable style makes *How to Succeed as a Trial Lawyer* a pleasure to read.”

—Beverly Hodgson, arbitrator, mediator, former Connecticut Superior Court Judge

“Stewart Edelstein, a veteran civil litigator, trial lawyer, and teacher, has written an interesting and informative text, *How to Succeed as a Trial Lawyer*. Not a traditional text on civil litigation or trial advocacy, *How to Succeed as a Trial Lawyer* contains numerous pearls of wisdom, in

checklist format, the do's and don'ts that effective litigators eventually learn 'on the job.' It shows you how to avoid the mistakes young litigators frequently make, from the first meeting with a new client through presenting a case at trial from the plaintiff's and defendant's perspective. It has what the traditional texts miss: the actual how to do the various tasks of civil litigation and, just as important, the things to avoid doing. This text should be a welcome addition to a young litigator's library, either to read cover to cover, or to use as a reference on a particular litigation task."

—Professor Thomas A. Mauet, author of many articles and books on litigation-related topics, including *Trial Techniques, 8th ed.*, and *Trial Evidence, 5th ed.*

"Stewart Edelstein has written a rare comprehensive primer of the trial lawyer's art. I read it when I returned recently to active litigation practice after five years in corporate management, and I found myself learning, or being reminded of, principles, best practices, and 'tricks of the trade' on nearly every page. Too much ink has been spilt on how to try cases—how to handle exhibits, examinations, and cross-examinations. Mr. Edelstein touches on those skills too, but he performs a needed service by going much further. These days, most of us who still consider ourselves 'trial lawyers' spend our days stating positions in letters and mediation statements more than in complaints, and arguing (if you can call it that) across conference tables rather than from the well of a courtroom. And all the while we need to attract and keep clients, send and collect bills, and, almost as an afterthought, keep ourselves ethical and even sane. *How to Succeed as a Trial Lawyer* covers it all. While law practice is still, I believe, a craft learned by the doing, this encyclopedic overview cannot but give the young trial lawyer a great head start. I sure wish I had it when I began practicing. I cringe to remember the missteps I would have avoided. But I'm glad to have it today, and I expect it will soon become appreciatively thumb-worn."

—Aegis Frumento, partner, Stern Tannenbaum & Bell

“I wish I had read this book when I started as a civil litigation lawyer 34 years ago. I would also have kept it on my shelf all these years, because *How to Succeed as a Trial Lawyer* can be read by topic, when the need arises, as well as beginning to end. The writing is elegant, to the point, and blissfully free of the legalese and verbosity that afflict other books of this kind. Mr. Edelstein incorporates humor and anecdote when apt, without distracting from his foremost aim, which is to instruct. He has delivered in one efficient and highly readable package a lifetime of learning, some of which I (no doubt like many other lawyers) have had to learn ‘the hard way’ (from mistakes).”

—Martin Domb, partner, Akerman Senterfitt

“Stewart Edelstein’s excellent book should be on the desk—not on the bookshelf—of every attorney who is or aspires to be a successful civil litigator and trial lawyer. It should also be read and consulted by students participating in law school clinical programs, and by academic law teachers who wish to bring some of the real world of law practice into their civil procedure and related courses. The book is not only a ‘how to’ manual; it is that and much more. It is filled with information and practical advice about the litigation process, from dealing with clients, to pretrial practice, to mediation and arbitration, to trials and appeals, to dealing with ethical issues, and even to coping with stress and creating a life beyond the practice of law. The book is sprinkled throughout with apt literary and classical references, quotes from prominent jurists, and interesting insights and observations of the author. Each chapter concludes with a helpful ‘checklist’ that summarizes the major points of the chapter. I plan to keep *How to Succeed as a Trial Lawyer* near at hand as I prepare to teach and supervise my clinic students.”

—Professor Stephen Wizner, William O.
Douglas Clinical Professor Emeritus &
Professorial Lecturer at Yale Law School

“This book is to advocacy what *The Elements of Style* is to composition. Not many authors have earned the right to say, ‘do this; don’t do that.’ When Strunk and White say it about how to write effectively, their authority to give direction proceeds from the force of their prose and the experiential wisdom behind it. The reader has no cause to question either.

“The same is true for Stewart Edelstein’s instruction in *How to Succeed as a Trial Lawyer*. Edelstein is a teacher and an advocate. He has catalogued in this book a professional lifetime of wisdom about the elements of advocacy as they arise in the daily life of a litigating lawyer. Very little is omitted. Many subjects are covered that are absent from the conventional literature on advocacy skills. Edelstein’s edicts are clear, direct, practical. They cover subjects about which the professional reader will necessarily have given great thought—and subjects that such a reader will likely never have considered. Edelstein’s gift is the ability to identify and deconstruct all the elements, including the small and unnoticed ones, that make up the craft of the litigating lawyer, and then to speak directly and clearly about the best ways to deploy them. Sometimes the reader will say, ‘I knew that.’ Sometimes the reader will say, ‘I knew that but I never thought about it in quite that way.’ Sometimes the reader will say, ‘I never knew that and I never thought about it, but I now see it as a self-evident truth and its recognition will make me better at what I do.’

“This book should be read cover to cover every so often, so that its messages become woven into the fabric of a professional life. It may also be consulted as a resource on particular practice issues. Mastering its elements will not make the reader a great trial lawyer. But doing so will liberate the ability of each reader to give expression to his or her special and unique talents as an advocate. It is the genius of *The Elements of Style* that its wisdom may be marshaled in the service of every kind of writing, for every kind of purpose, by every kind of writer. So, too, may *How to Succeed as a Trial Lawyer* be marshaled in the service of that personalized and uniquely human brand of advocacy that is the hallmark of every distinguished career.

“I hope you enjoy this book. I hope it contributes to your personal fulfillment and success in the honorable and precious role of advocate.”

—Fred Gold, partner, Shipman & Goodwin,
and Clinical Visiting Lecturer in Law, Yale
Law School

“*How to Succeed as a Trial Lawyer* may be destined to become the essential handbook for litigators, experienced and novice alike. Written by Stewart I. Edelstein, this book is an easy and enjoyable read. *How to Succeed as a Trial Lawyer* runs the litigation gamut from intake through trials with detours into alternative dispute [resolution] mechanisms, ethics, marketing, lifestyle, and numerous other topics. Written in deceptively

simple prose with great insight, the instructions and tips, complete with checklists, make this a ‘go to’ manual. The text reveals that Mr. Edelstein is an intelligent, seasoned advocate who clearly enjoys plying his trade and sharing his considerable wisdom with his colleagues.

“As a litigator with more decades before the bar than I care to admit, I found *How to Succeed as a Trial Lawyer* to be a valuable resource. It is written from a practical perspective, addressing a panoply of topics confronting litigators. Mr. Edelstein leaves little to chance as his explanations and suggestions are rolled out in well-organized fashion. Indeed, the organization and detail present subtle yet helpful devices which are easily overlooked by practitioners but potentially very important.

“For example, Mr. Edelstein gives point-by-point tips on how to answer questions from judges. In a more mundane vein, he suggests using note cards at trial to pass between co-counsel to avoid distracting conversation and recommends that each card cover a single point, in order to become a good rebuttal or closing argument outline. Also, Mr. Edelstein reminds us that, when taking a deposition, we should be sure to provide a side chair without arms for the stenographer’s use. Such detailed planning avoids wasted time and an unhappy result.

“The book’s organization extends to the table of contents, which, standing alone, is a useful outline of the various tasks and skills needed to succeed in the courtroom. It also makes finding the sought-after topic a simple task.

“I commend Mr. Edelstein for his achievement in laying out his vast knowledge of the litigation art in a practical, enjoyable and extremely useful volume.”

—Donald Derfner, partner, Derfner &
Gillett, LLP

“*How to Succeed as a Trial Lawyer* is an excellent text for a law school that wants to offer a trial practice course that will produce ‘practice ready’ graduates.”

—Fred Ury, past President of the National
Conference of Bar Presidents, past President
of the Connecticut Bar Association

“*How to Succeed as a Trial Lawyer* is a great primer on litigation and life in the law. It is particularly pitched to young litigators—my son Granger,

who is just out of law school, read it and got a lot out of it (including advice he would never accept from his Dad). There are tips you might expect with respect to depositions, briefs and the like, and also practical suggestions for dealing with the real thorny problems, like dealing with unfamiliar situations. More seasoned practitioners will benefit from a different perspective on approaches to legal problems and the ever elusive work-life balance. I recommend it highly.”

—Daniel Abuhoff, partner, Debevoise &
Plimpton, LLP