

# PREFACE

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The witness is the star of any trial. All other evidence—exhibits, demonstrative evidence, the *facts*—come to life through the witness. In every successful trial there is at least one witness who told a story, held the jury’s attention, withstood cross-examination, and helped win a verdict. In every loss there is usually a witness who crashes and burns. How do you explain the difference?

Preparation.

For all but the experienced expert witness, testifying is an alien experience and the courtroom is a strange and forbidding place. The witness needs help, and it’s the lawyer’s job to provide it.

The authors of this book have prepared, examined, and cross-examined thousands of witnesses over the course of their successful careers as trial lawyers. They have seen firsthand what works and what does not—on the witness stand and in pre-trial preparation and practice sessions. Their hard-won lessons, lessons learned in the trenches of trial practice, are contained here.

This is the second in a series of books published by the ABA under the title *From the Trenches*. The first volume was edited by my good friend, John Worden, a trial lawyer at Schiff Hardin in San Francisco. We are grateful to John for starting this series and for putting together the first volume, which runs the gamut of trial practice and contains a wealth of practical advice and trial secrets from some of the nation’s top trial lawyers. This second volume, *Mastering the Art of Witness Preparation*, contains 12 chapters covering all aspects of witness preparation. Whether you are a first-time, second-chair associate or a veteran first-chair partner preparing for your 100th jury trial, this book provides guidance, thoughtful insights, and unique perspectives on preparing your witness to testify.