

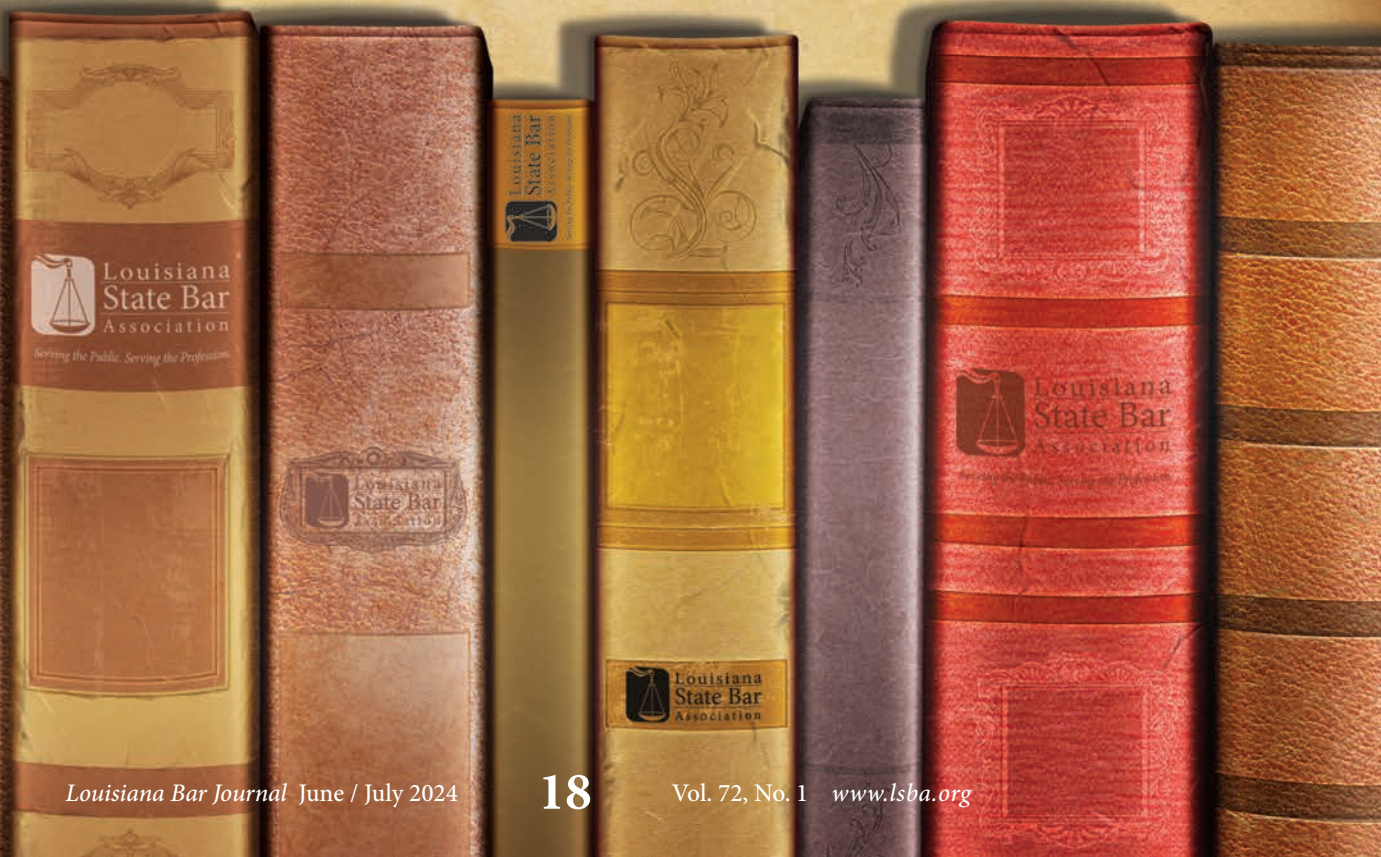
Book Review

The New Science of Trial Advocacy: The Waiter Pivot by John Jerry Glas

(Published August 2023, ABA Book Publishing, 352 pages)

Reviewed by Edward J. Walters, Jr.

Jurors have become experts in everything and suspicious of everyone. They do not trust lawyers or their hand-picked experts. They will not be manipulated, and they do not want to be “told” anything.



So, welcome to jury trials in 2024. Everything you learned about handling a case before a jury is but a cold entrée. It's a brave new world.

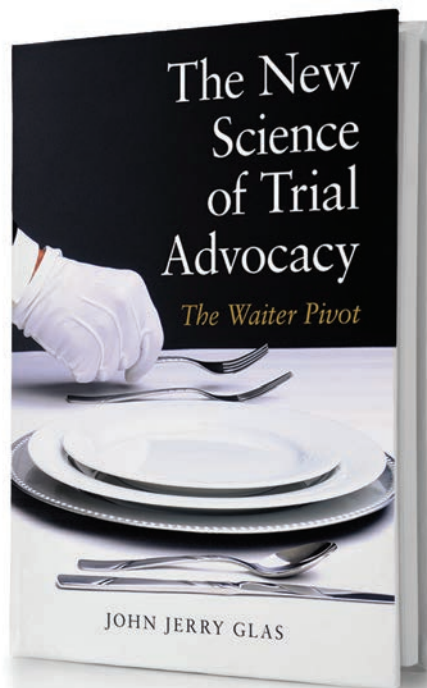
Jerry Glas looks at the courtroom through the eyes of today's skeptical juror and analogizes your role to that of a waiter in a restaurant, serving what the patron wants, and needs, to decide the case your way. This book sets the table and serves you a new, tested recipe on how to change your old stale methods that no longer work, for new approaches that **do** work with today's jurors.

Who is your waiter? Jerry Glas is the chair of the Civil Litigation Department at Deutsch Kerrigan, LLP, in New Orleans and a Fellow of the American College of Trial Lawyers. In his 28 years of practice, he has tried more than 76 jury trials in courtrooms across America, representing both plaintiffs and defendants.

This book takes the reader from appetizer to dessert — from *voir dire* to closing advocacy — with a “today's special” way of doing things differently for these jurors, addressing a new technique for openings and closings, laying a foundation, handling experts, direct examination, cross-examination and much more. It is essentially a complete “how to” book on trying your case before today's juror.

It is written in a very enjoyable conversational tone, interspersed with some of the author's war stories and courtroom experiences (good and bad), a lot of humor, snippets of testimony from actual trials, and, of course, a few passages from *My Cousin Vinny*.

The appetizer (Table of Contents) is thought-provoking, and intriguing, with entrées like: Forget Speed Dating; Bring Gifts When You Approach the Bench; Identify Lions and Lambs; Try a TIARA



(an acronym); Identify a Turning Point in the Trial; Prepare for the *Jaws* Gambit; Have an Alamo; and End with a “Father Tompson Pause.”

The most fruitful part of the book is how the author generously spoon-feeds the reader on how to perform each task, i.e., what questions to ask to lay a certain type of foundation, the four steps to making a “Perfect” objection, and checklists which, for example, include recipes for introducing physical evidence using acronyms such as MASS (Mark the exhibit, Ask to approach, Show the exhibit to opposing counsel, Show exhibit to witness) and DOWHOP (DO you know what this is, What is it, How do you know what it is, Offer the exhibit, Publish the exhibit). The book is full of many of these useful and easy-to-remember guidelines.

The book includes entrées including Twelve Steps for a Proper Foundation Before Tendering an Expert (with each suggested question on a one-page chart), a two-page chart of Common Objections (with statutory authority), a two-page chart of Hearsay Objections (with statu-

tory authority), and a step-by-step chart on How to Lay a Proper Foundation for Electronic Exhibits in Today's Technology-Enhanced Courtrooms. The book also includes a checklist of some 30 matters which should be addressed with the court at the pretrial conference. These charts and checklists should be copied, placed with your trial materials, and taken with you to court.

If this doesn't make a jury trial lawyer want to have a second helping, there is something wrong.

This book is not only for young trial lawyers, but also for what the author refers to as “Gray Hairs” (like me) who have tried a lot of jury cases . . . with the stale techniques of bygone days.

If this book is not in your library, and if you don't review it before your next jury trial . . . and the next . . . you are ordering the wrong dessert.

What they appreciate is a waiter who quietly and professionally makes their life a little easier. Who brings them everything they could possibly want and helps them make their own decision.

Getting the check: The book is available through the American Bar Association at: www.americanbar.org/products/inv/book/433607501/?login.

And you don't have to leave a tip.

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