**PREFACE**

*Trial: A Guide from Start to Finish – Perspectives from Opposing Counsel*, is a collaboration of two trial lawyers who have tried many complex cases in courtrooms across the country, including one trial where they spent four weeks bloodying each other’s noses, only to come out the other side with a profound respect for the integrity and trial skills of the other. Given that respect for each other’s courtroom acumen, the authors discussed writing down in detail what each has learned about every aspect of the jury trial process.

*Trial: A Guide from Start to Finish – Perspectives from Opposing Counsel*, takes its readers through each stage of a jury trial, starting with the filing of a lawsuit long before a jury trial begins, and ending in the motion practice that concludes long after the jury’s verdict. The concept of this book was to divide the trial process into its fifteen segments and to have each author write a chapter about each segment. Mikal Watts would write from the plaintiff’s perspective and Sawnie McEntire would write from the defendant’s perspective. Twice a month, the authors exchanged drafts of their respective new chapters, discussed their progress, and pledged to trudge on to the next chapter that would be due two weeks later. From March through November in 2019, Watts and McEntire worked separately so they would produce truly independent perspectives of each portion of the trial process.

Beginning at the end of October, the two authors merged their efforts, collaboratively editing each other’s prior writings, offering additions to and writing tips on the other’s work, and adding necessary sections in rejoinder to comments made by the other. In doing so, the authors learned that while they expected to have vastly different perspectives given their disparate backgrounds—one as a plaintiff’s lawyer suing corporate America and the other a defense lawyer seeking to protect it from such suits—as they read each other’s work in an effort to achieve a cohesive final product, they realized that they agreed with each far more often than they disagreed. The authors learned that a trial is a trial, and that a trial lawyer is a trial lawyer, regardless of whom that lawyer represents. Good practices apply equally across the “v.” in any case, and as they began reading each other’s work, *Trial: A Guide from Start to Finish – Perspectives from Opposing Counsel*, became clear to both of them. Thus, over the course of the final six weeks before the deadline for the manuscript, the authors worked together to merge their disparate writings into this cohesively constructed book.
To be sure, this is not a book written by trial lawyers who boast that they have never lost a trial; each author has lost more trials than he cares to admit. However, each of their numerous victories and occasional losses in the courtroom have brought them something more valuable—experience and the capacity to learn from the good, the bad, and the ugly of the jury trial process. Putting on paper the lessons learned from losing this trial or that trial has meant revisiting challenges that they each have long since left in the past, but in doing so, they have learned that those mistakes and errors, those things they once did poorly, are wrongs that they have attempted to right over the trajectory of many decades in the courtroom. To coin a phrase, the authors are both still practicing law. While the adage that practice makes perfect may never apply to them, they do believe that their various jury trials have taught them many important things over the decades. This book is their effort to share those lessons with other trial lawyers and trial lawyers-to-be.

In a world of high-dollar discovery, lengthy motion practice, prohibitively expensive experts, pervasive Daubert practice, detailed pretrial exchanges, and more formal trial rules, it is more difficult than ever for young lawyers to get the courtroom experience they so desperately need to become real trial lawyers. It is this deficit of courtroom experience that creates a need for this book.

The authors hope and trust that young trial lawyers-to-be will find useful the lessons that the authors have learned and included in the pages of this book.