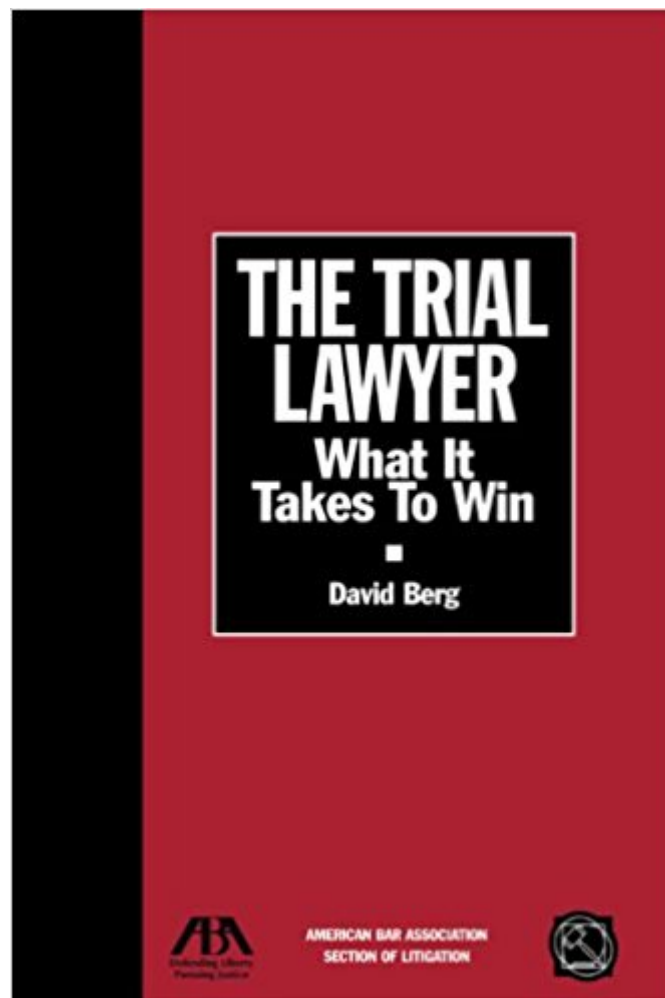




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# The Trial Lawyer: What It Takes To Win (Section Of Litigation's Monograph Series)



## Synopsis

David Berg knows how to win cases. And he knows how to tell a story. In *The Trial Lawyer: What It Takes To Win* Berg puts both skills to dazzling use in an engaging and instructive guide to winning at trial. Berg covers the key elements of a trial - persuasion, discovery, jury studies, voir dire, opening arguments, cross examinations, preparing and presenting witnesses and closing arguments - but he also shares his thoughts on what it takes to win - whether winning means a decisive verdict or an extraordinary settlement.

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## Customer Reviews

Among his many talents, David Berg, one of the most successful trial lawyers of our time, is a master storyteller. -- Charles D. Tobin  
I have never read a book about how to win cases as expert, perceptive, precise and, often, as outright funny. -- Robert Hughes

"I wrote this book out of the fear that the great war stories of the next generation of trial lawyers would begin, "And then, I looked that mediator in the eyes and I said&#x2014;" David Berg knows how to win cases. And he knows how to tell a story. In *The Trial Lawyer: What It Takes to Win* Berg puts both skills to dazzling use in an engaging and instructive guide to winning at trial. Berg covers the key elements of a trial&#x2014; persuasion, discovery, jury studies, voir dire, opening arguments, cross examinations, preparing and presenting witnesses and closing arguments &#x2014; but he also shares his thoughts on what it takes to win &#x2014; whether winning means a decisive verdict or an

extraordinary settlement. Berg weaves nuts-and-bolts techniques that will make you a better trial lawyer with illustrative stories from his legendary career. He has tackled a wide variety of cases and draws from his varied experiences to explain his winning methods. In the 1960s he defended young people arrested for flag burning and marijuana possession. In the 1970s he defended a woman who had killed her husband and dismembered his body with a chainsaw, employing the first battered-wife defense in Texas. In the 1980s, he tried white collar cases and once, with Morris Dees of the Southern Poverty Law Center, helped shut down the Ku Klux Klan's paramilitary training camps in Texas. In the 1990s he focused on a wide range of civil cases and was retained as trial counsel by large corporations defending and prosecuting bet-the ranch litigation. Not just another manual on trial techniques, *The Trial Lawyer: What It Takes to Win* provides a unique opportunity to learn from one of the country's outstanding litigators. Written with insight and verve, it will teach you how to improve your chances of winning at trial. And once you know how to win jury trials, you can win any kind of trial at all -- judge, jury, arbitration -- and obtain settlements. *The Trial Lawyer* is quintessential Berg -- colorful, insightful, instructive -- and difficult to put down. It will keep you reading -- and make you a better Trial Lawyer. --This text refers to an out of print or unavailable edition of this title.

Must read for lawyers. Berg covers thoroughly what any trial lawyer needs to know.

If you want to learn more about trying cases, get this book and splurge for the deluxe DVD edition. Failure to do so is, as Berg might put it, "false economy." For example, the DVDs contain large parts Berg's closing in *Wyatt v. Sakowitz*, videotaped at the old Harris County courthouse. It is a rare glimpse of a masterful closing as it happened. You can hear the nervous tension in Berg's voice, but also the rhythm, emotion, and sincerity of his delivery. A transcript would get only about a tenth of what the tape captures. To use another Bergism, it will make the hair on the back of your neck stand up. Berg also provides one of the best guides to jury selection I have seen. He shares strategies that took him decades to develop in a way that even a novice can quickly adopt and use. Berg once said that history forgets many of the great trial lawyers. Berg's book will preserve not only his achievements, but also those of many of his contemporaries in the various war stories he uses to illustrate his points.

I am in my fifth year now, and I've still never had a jury trial, because of the explosion of alternative dispute resolution. Despite the diminishing frequency of the jury trial, this book is still an absolute

must. To me, the following points the author makes are accurate--you must conduct litigation like you will go to trial, and, on occasion, you must actually go to trial. This book teaches you how to act like a real litigator. He emphasizes being a "bulldog about documents," and states the best depositions are the ones that draw blood. He also tells you how to pick a jury, how to open, how to conduct direct and cross, and how to close, among other things. In fairness, there really are just too many good parts to single anything out--the whole damn book is invaluable. Further, it is written with humor and with good stories. Highly recommended.

In the Epilogue, David Berg states that the next generation of trial lawyers must win back the public's respect. Given this belief, it is no surprise that this highly accomplished trial lawyer passionately shares with us the lessons he has learned over an astonishing career. It is difficult for any trial book to cover everything, and Berg's book makes a wise decision to emphasize the need for preparation which has been neglected in the trial literature. For example, over a third of the book, 126 pages, addresses the importance of preparing your case through discovery, conducting mock trials, and spending a lot of thought and time on voir dire. Throughout the book, Berg shares memorable anecdotal stories from trials he has tried or famous lawyers he has known. The stories make for a very interesting read.

Only way that I could pass my law exams!

David Berg is a member of the Texas and New York State Bar Associations and the founding partner of Berg & Androphy, who has published dozens of articles about legal issues in such venues as "Litigation Magazine", "The New York Times", and "Newsweek". In *The Trial Lawyer: What It Takes To Win*, Berg draws upon his years of experience and expertise to create a straightforward instructional and reference guide which ranges from perfecting techniques for arguing a case in court; to getting the research right; to the art of persuasion; to recognizing how to best address a particular jury, Voir Dire; specific tips, tricks, and techniques for all aspects of presenting the actual trial; and more. *The Trial Lawyer* is a very highly recommended advice guide and strongly recommended reading for aspiring and newly practicing trial lawyers alike.

In my 40 years of trial practice, few books are better organized, or present more useful insights in how to try cases. David Berg has been in the pits, has dozens of verdicts in all kinds of civil and criminal cases--everything from murder to patent infringement--and writes about them very well.

Drawing on his experience, David explains the importance, goals, and methods of achieving those goals, for each step of representation, from the first meeting with the client, to the final words of closing argument. And while this isn't one of those "war story" book, he does use examples from his own cases and those of other trial lawyers to make his points. This book is a "must read," not just for aspiring trial lawyers, but for all who want to enhance their skills in the courtroom. It should be mandatory reading for law school advocacy classes.

This is a marvelous book for the seasoned and the neophyte trial lawyer alike. Full of astute tips and at once instructive and hilarious anecdotes, this book, by a master of the art, is a must-have for anyone serious about improving his/her skills or just interested in how the really good trial lawyer strategizes every step of every case. As a trial lawyer of nearly 25 years' experience, I thought I knew all there was to know about all aspects of a complex trial. I was dangerously wrong: reading this book has given me tips I never thought of. Of equal importance, this was a delightful experience, from cover to cover.

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