

Successful Strategies from 10 of the Nation's Top Litigators

It's a mistake for a plaintiffs' counsel to attempt a knockout blow in depositions, says attorney William M. Shernoff, because it "can kill your case."

During depositions of a defendants' key experts or corporate executives, Mr. Shernoff, as plaintiff's lead trial counsel, sits in. but he holds back completely, letting other attorneys handle the questioning of the witnesses. I generally just sit and study them, he says. I don't want to give that person a dress rehearsal.

Mr. Shernoff does not want to tip his hand before trial. If he exposes a hole in an expert's testimony, for instance, the defendant will have the opportunity to plug the hole or find another witness for trial.

Trial Tips:

1. Take a passive role during depositions to avoid tipping hand.
2. Make the jurors see the case as a matter about real people.
3. Point out habitual arrogance of insurers.
4. Tell the whole story chronologically.