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Proving Damages To The Jury

PROVING
DAMAGES
TO THE JURY



BY JIM WREN



Synopsis

Big damage awards don't just happen. You need a plan for success. Any lawyer who has tried a damages case has experienced the quandary: What damage number do I give the jury? Is it enough? Is it too much? How do I ask for it? How do I support it? To give your clients justice, you need something more than a "hit or miss / hope and go" approach to damages. You need an intelligent damages strategy that encompasses every phase of the litigation and trial. Proving Damages to the Jury gives you that strategy. Relying on a solid foundation of current jury science research and more than 30 years of courtroom experience, author Jim Wren walks you through every step of your damages case, from the initial screening of a potential client to closing argument at trial. These abbreviated excerpts are just a sampling of what you will learn:

Before Trial
Discovery Develop a discovery plan to support your complete damages story. Take video depositions of your damage fact witnesses. Set up damage issues with requests for admission.
Challenge the defense medical expert
Visuals Use the seven stages of your damage story as the organizing principle for your visual strategy. Translate your damage story into visuals by working through these ten key questions: Enhance your credibility by making "verifiable proof" a focal point of your visual strategy.
At Trial
Voir Dire Raise the issue of frivolous lawsuits. Address jurors' reluctance to award damages for unintentional conduct.
Plan the sequence of your questions. Opening Statement Focus on choices, rather than results, in presenting damages. Start with the question for the jury. Help jurors understand the significance of their role.
Cross-Examination Understand what makes cross examination powerful. Use "you can understand" questions to validate the consequences of the plaintiff's injury.
Encourage juror anger as a motivator for damages. Closing Argument Provide guidance for intangible damages. Help jurors make a significant difference.

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