

# **TRIAL TACTICS**

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Trial tactics by Andrew J. Hirschl

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**ANDREW J. HIRSCHL**

# **TRIAL TACTICS**



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# TRIAL TACTICS.

BY

ANDREW J. HIRSCHL,  
OF THE CHICAGO BAR,

Author of "Combination of Corporations," and other books.

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### CONTENTS

PREFACE . . . . .	I
INTRODUCTORY . . . . .	V
I. SELECTION OF THE COURT . . . . .	1
II. PREPARING FOR TRIAL . . . . .	40
III. COURTROOM CONDUCT . . . . .	51
IV. REPORTING THE CASE . . . . .	59
V. CALLING THE JURY . . . . .	67
VI. CLASSIFICATIONS OF JURORS . . . . .	82
VII. PREPARATION OF THE WITNESSES . . . . .	103
VIII. PRESERVING THE EVIDENCE . . . . .	127
IX. THE OPENING STATEMENT . . . . .	139
X. INTRODUCING THE EVIDENCE . . . . .	148
XI. EXPERT EVIDENCE . . . . .	178
XII. THE CROSS-EXAMINATION . . . . .	187
XIII. INSTRUCTIONS; SPECIAL FINDINGS; VERDICTS	227
XIV. THE ARGUMENTS . . . . .	244

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TO THE PUBLISHER OF "TRIAL TACTICS,"

*Dear Sir:* The book of Mr. Andrew J. Hirschl on "Trial Tactics" fills as far I know a distinct niche in legal literature.

Every law suit may be aptly compared to a drama in real life. This book gives a peep behind the scenes.

Every law suit may also be aptly compared to a battle. This book gives a view of the generalship on each side, conducted by the respective lawyers, and of the tactics by which battles are won and lost.

It is interesting to the general reader, and it is useful to all lawyers, but especially to the student and young practitioner, for in this book Mr. Hirschl has distilled the essence of a wide, varied and active practice of nearly thirty years.

Very truly yours,

JOHN F. DILLON.

195 Broadway, New York, June 28, 1906.



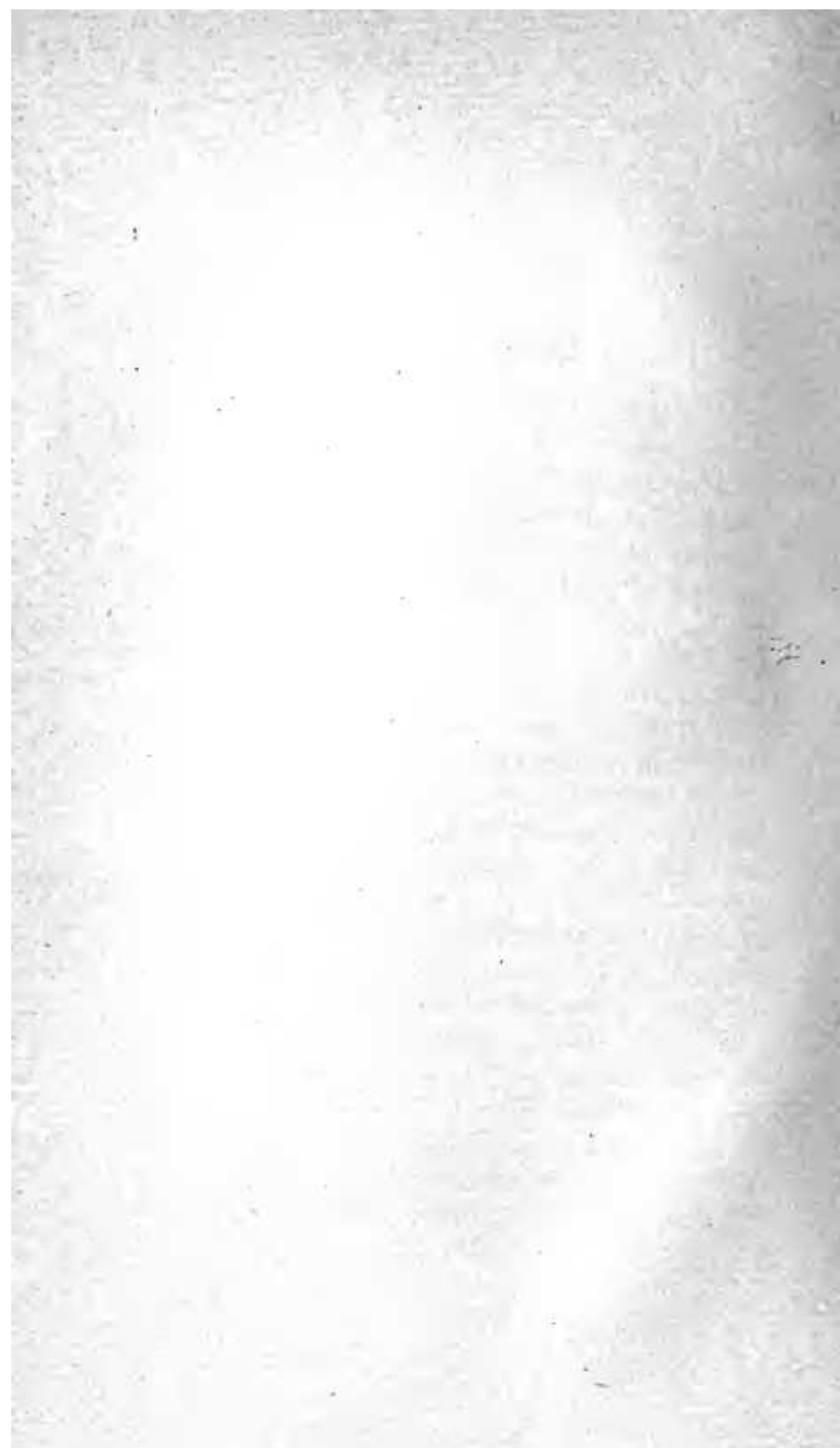
## PREFACE.

The following chapters are not an attempt to formulate any fixed and definite rules or principles for the trials of causes. The art of trying causes is not gained from the statutes or the decisions or from any other such source, but chiefly if not altogether from experience.

The suggestions in the following pages are intended to help the student and young practitioner to gain success, should success be deserved, by profiting from the experience of others without suffering the accompanying disadvantages himself.

It is requested that the pages be read in succession from the beginning. The later ones presuppose a knowledge of what has preceded and may be unintelligible without it. The chapter heads and titles are not to be followed too closely, since they are at best but a broad designation of the subject matter.

ANDREW J. HIRSCHL.



## INTRODUCTORY.

The skillful conduct of a trial may be compared somewhat to the jiu jitsu system of wrestling, which enables the inferior man, with less weight, less strength and less endurance to win because he knows better how to apply the weight and the strength that he does possess, while the heavier and stronger man loses because he does not know how to apply these forces at the right time or in the right manner. Law books contain decisions upon certain instructions, holding them technically right or wrong, but nowhere do these books indicate how to get those lawful and honorable advantages in the litigation which are a legitimate part of the lawyer's duty to his client. If one of the Seconds in a boxing match should neglect to take the choice corner and should set his man up with the strong sunlight in his eyes it would be considered gross negligence. In a law suit the lawyer is the Second. He must put his client in the right corner and to fail to do so is to subject himself to the charge of negligence.

If a client for instance is liable for a debt, but the statute of limitations has run against the