Trial Practice

By Gerard Mantese and Theresamarie Mantese

When citizens and aspiring lawyers think of the legal profession, they often think of trials. Trials set the stage where ideas, demands, and personalities clash. Literature, theater, television, and the movies are rich with examples of trials that have captured the public imagination and engaged the citizenry in a spirited debate about policy, principles, and individual destiny. In recognition of the important role filled by courts, judges, and trial attorneys in our legal system, the *Michigan Bar Journal* is reinstating the "Trial Practice" column.

Trials pose enormous challenges for lawyers. The successful prosecution of a trial requires both painstaking attention to detail and creative attention to the big picture. Trials require immersion in the facts and the law, as well as command of the rules of evidence and civil procedure. Effective trial practice requires the focus and preparation of a great athlete, intellectual and emotional intelligence, and a nuanced understanding of the building blocks of persuasion. Integrity, good judgment, and plain hard work are essential, as is a passionate commitment to clients' well-being and an authentic conviction in the rightness of the cause.

Most new attorneys are eager for the opportunity to conduct one or more trials during their careers. The opportunities to try a case have never been plentiful. Human beings are understandably averse to surrendering their fate to the judgment rendered by the hearts and minds of judge and jury, who are strangers to the parties. Such opportunities have become even less available in recent years because of the growing use of alternative dispute resolution and the rising expense of trials. But when opportunities arise, lawyers should have the requisite skills at hand.

"Trial Practice" will explore topics relevant to great trial lawyering. The editors of this column invite authors from across the state to submit articles exploring important trial issues and skills. Our goal is to challenge and inspire. Over time, we hope the columns will collectively become a storage chest of trial practice tools into which lawyers can reach for just the right instrument to hone their skills and build their cases. ■

"Trial Practice" is designed to provide advice and guidance on how to effectively prepare for and conduct trials.

Gerard Mantese is a partner and trial attorney at Mantese Honigman Rossman and Williamson, P.C. He focuses his practice on all aspects of business litigation, including shareholder disputes, fiduciary duty and partnership issues, and contract claims. His verdicts and settlements routinely rank among the largest recoveries every year in Michigan courts. He has taught trial practice and pretrial procedure at University of Detroit Mercy Law School and Wayne State University School of Law.

Theresamarie Mantese is a shareholder at Rogers Mantese & Associates, P.C. Her practice focuses primarily on representing healthcare providers and professionals, and businesses in commercial litigation involving contracts and business transactions, employment, medical billing, and licensing matters. She has written numerous articles and chapters on health law for national peer-reviewed journals and publications.

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