

# FDCC Trial Masters: Advanced Techniques for Every Phase of Trial

## Presentation Outline (8 Segments – Each 10 - 12 Minutes)

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### 1. Voir Dire / Jury Selection

#### I. Purpose Beyond “Getting a Fair Jury”

- Shifting from demographic shortcuts to *cognitive-bias mapping*
- Identifying which biases are *immutable* versus *workable*

#### II. Advanced Techniques

- **Micro-voir dire:** Asking narrow, layered questions to surface unconscious beliefs
- **Pre-conditioning themes subtly:** Embedding trial themes without arguing
- **Using contradiction testing:** Ask opposing-value questions to reveal sincerity
- **Reading group dynamics:** Who influences, who follows, who dissents

#### III. Handling Problematic Jurors

- The “Scalpels not Sledgehammers” approach
- Using cause challenges strategically to reveal bias patterns

#### IV. Strategic Takeaways

- Build a *juror decision-making model*, not a demographic profile
  - Convert juror disclosures into “proof themes” that will appear later in trial
  - Identify leaders—select followers
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### 2. Opening Statements

#### I. Constructing a Persuasion Architecture

- The “**reverse-closing**” technique: Draft your closing first and reverse-engineer your opening
- The **Velcro structure:** Ensuring every fact sticks to a theme

#### II. Advanced Storytelling

- “Tension early” strategy—establish the central problem or conflict in the first 60 seconds
- Using **parallel narrative lines** for complex cases (technical + human narrative)
- Embedding credibility by explaining *why the defense story makes sense* in real-world terms

### III. Visual & Cognitive Strategies

- Cognitive load management: simplifying without dumbing down
- Selecting 1–3 “anchor visuals”—everything else supports, not distracts

### IV. Strategic Takeaways

- Jurors decide “who to trust,” not “who is right”—structure your opening accordingly
  - Make your *theory of the case* survivable against the opponent’s predictable attacks
  - Tell jurors *how to listen* to the evidence before it comes in
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## 3. Cross-Examination of Lay Witnesses

### I. Goal Clarification

- Choose between **credibility attack**, **fact extraction**, or **narrative disruption**
- Understand whether the witness is a “giver,” “withholder,” or “advocate”

### II. Advanced Techniques

- **Looping & boxing:** Use the witness’s own words to limit movement
- **The “Split Atom” technique:** Breaking a lie or exaggeration into tiny components
- **Behavioral tightening:** Using short, rhythmic questions to induce compliance
- **Using silence strategically** to heighten pressure

### III. Managing Difficult Witnesses

- How to “freeze” a witness mid-pivot
- Surfacing bias subtly—without appearing aggressive
- Turning volunteered information into weapons

### IV. Strategic Takeaways

- Win credibility battles with **micro-contradictions**, not dramatic moments
  - Constrain witnesses into your narrative order
  - Pace and tone are as powerful as content
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## 4. Cross-Examination of Expert Witnesses

### I. Strategy Reset: It's Not About Out-Knowing Them

- Aim for *framework disruption*, not knowledge superiority
- Narrow the fight to the field where your expert is strongest

### II. Advanced Techniques

- **The Terminology Trap:** Commit experts to your definitions early
- **The “Concession Matrix”:** Identify 3–5 high-value concessions before trial
- **Methodology vs. conclusion:** Attack the former; let the jury reject the latter
- **Isolating assumptions:** Expose speculative leaps disguised as data

### III. Using Literature, Standards & Prior Testimony

- The “Triple Bind”: Publications, Daubert testimony, professional standards
- When (and when not) to use learned treatises

### IV. Strategic Takeaways

- Experts lose when they look like advocates
  - A polite, surgical cross is more devastating than a combative one
  - Jurors reward clarity—translate complex science into common-sense principles
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## 5. Directed Verdicts

### I. Purpose & Positioning

- More than a procedural tool—it frames the defense theory
- Use as *narrative consolidation* in complex trials

### II. Advanced Approaches

- Forecasting DV arguments in opening to prime the judge
- Identifying “fatal element gaps” early in discovery
- Using the plaintiff’s own case-in-chief to build DV foundations

### III. Crafting the Argument

- Presenting the motion as a *legal inevitability*, not an ask
- Distilling your argument into an element-by-element failure narrative
- Maintaining credibility: never overreach in the DV request

### IV. Strategic Takeaways

- DV arguments shape how the jury hears the remainder of the case
  - Judges respond to clarity, brevity, inevitability
  - Even unsuccessful DV motions narrow the issues and limit closing arguments
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## 6. Direct Examination

### I. Re-thinking Direct

- Move from “testimonial regurgitation” to **guided narrative engineering**
- Humanize without sentimentalizing

### II. Advanced Techniques

- The “Puzzle Method”: deliver pieces that will assemble themselves in jurors’ minds
- Strategic use of **timeline compression and expansion**
- Rehearsing with witnesses ethically: shaping clarity, not content

### III. Exhibits & Demonstratives

- The “**1–2 Rule**”: No direct should have more than two primary visuals
- Using demonstratives to anchor technical testimony

### IV. Strategic Takeaways

- Let the witness shine—your job is facilitation
- Use sequencing to anticipate and neutralize cross

- Build credibility through transparency and authenticity
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## 7. Closing Arguments

### I. The “Mental Pathway” Approach

- Understand the jurors’ emotional journey from start to finish
- Reconstruct their decision-making structure with your themes

### II. Advanced Persuasion Techniques

- **The Inversion Method:** Argue from plaintiff’s best fact against them
- **The Three Lens Framework:** Logic, credibility, fairness
- Reframing damages: the “granular deconstruction” strategy

### III. Visuals, Analogies & Cognitive Bias

- Confirmatory bias: Help jurors reaffirm what they already decided
- Availability bias: Make your best themes more memorable than theirs
- Story symmetry: Tie your closing to your opening loop

### IV. Strategic Takeaways

- The jury should feel *your result is the only just result*
  - Connect every argument back to *jury instructions* to enhance legitimacy
  - Give jurors a ready-made script for deliberations
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## Final Combined Takeaways for All Segments

- **Know what the jury needs to decide and reverse-engineer every stage.**
- **Use cognitive psychology, not outdated trial clichés.**
- **Consistency of themes beats sophistication of tactics.**
- **Simplify—but only after you master the complexity.**
- **Your credibility is your most valuable piece of evidence.**