

Trial: A Guide from Start to Finish

By Mikal Watts and Sawnie A. McEntire
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Reviewed by CARLY MILNER

As I approached my first trial as a young lawyer, the gap between the theory and legal principles I had learned in law school and the actual practicalities of trial seemed overwhelming. I remember looking for resources about the nitty-gritty of trial practice so that I could at least *seem* knowledgeable to the partners and clients, but I could not find anything that explained in a detailed way what really happened at trial, how to prepare as well as possible, and why the experienced trial lawyers made the decisions they made. This book fills that gap.


For a young litigator, the advice in this book is invaluable. Mikal Watts, a plaintiff's lawyer, and Sawnie McEntire, a defense lawyer, explain each stage of trial from their respective vantage points. But they do not stop at the basic outline of a trial: they provide real-life, practical advice about every stage of trial. What are the real considerations in selecting venue? What actually happens at the pretrial conference, and what battles should you fight? What do judges really think about your laundry list of objections? How should you organize your exhibits, and why? What are strategies for organizing information during voir dire? The authors use their own war stories—both successes and failures—to illustrate these points.

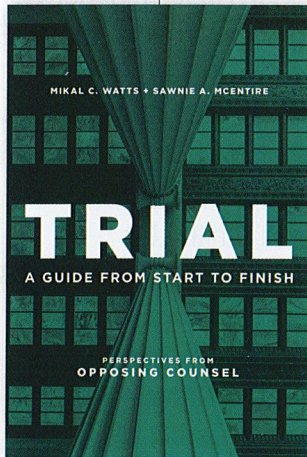
Even for experienced litigators, this

book offers valuable and well-researched advice. For example, it contains a lengthy discussion of jury selection, including research-based, rather than stereotypical, predictors of juror attitudes. Similarly, the book analyzes trends in multidistrict litigation statistics to help lawyers decide whether an MDL is beneficial for their client. The authors also provide a plethora of tips on trial presentation, such as ideas for types of demonstratives to use with expert witnesses. No matter how many cases you have tried, it never hurts to hear new ideas from other trial veterans. In addition, the dual plaintiff/defense perspective is unique and tremendously helpful for lawyers on both sides. It is easy to get tunnel vision about your own side of the “v” and miss strategic moves the other side may make.

The one section of the book that I found to be less helpful was the first section about the law on jurisdiction and venue (as opposed to practical and strategic considerations on these issues). This topic is nearly impossible to cover in a summary format, and—especially as the subject of the opening chapters—it seemed out of place with the rest of the book's focus on real-life practice, rather than an analysis of statutes and case law. I also noticed a

few instances in which the same advice popped up in multiple chapters, but the book's structure allows the reader to dip in and out, reading just the chapters that are most relevant at the time, so this minimal repetition means that a reader will not miss critical points.

At 405 pages, this book may seem a bit daunting to those of us who already spend the majority of our workdays reading and writing, but I found it interesting, well-written, and an excellent use of time. 



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Buying and Selling Art and Collectibles: A Legal Guide

By Armen R. Vartian and Laura C. Tiemstra
Published by ABA Publishing
Reviewed by CARL J. GUSTAFSON

In many respects, the sale of art and collectibles is like the sale of other goods. Article 2 of the Uniform Commercial Code governs these sales, and disputes arising out of these transactions follow familiar patterns for cases of breach of contract, breach of warranty, and fraud. However, as explored in Armen R. Vartian and Laura C. Tiemstra's book *Buying and Selling Art and Collectibles: A Legal Guide*, unique issues emerge when the transaction involves, say, an original painting, rare coin, or signed baseball—issues that the uninitiated may miss when evaluating a sale or purchase.

Buying and Selling Art and Collectibles is divided into six parts—buying and selling through a dealer; buying and selling at auctions; buying and selling remotely; illegal items and cultural property; dispute resolution; and tax issues—and each part is, in turn, divided into several short, easy-to-read chapters focused on well-defined topics. Written for both practicing attorneys and lay collectors, the guide's stated goal is to be an introductory text rather than an in-depth legal treatise. The authors succeed in this, but the book is likely to be more helpful to the serious