**Principals of Mauet**

What in Mauet do you disagree with? Please explain answer

1. **Mauet** discusses Opening Statements. What do you disagree with – discuss?

   I think Mauet makes some very good points about how best to prepare and present an Opening Statement, particularly with respect to crafting one’s narrative in terms the jury will understand. I believe that, as Mauet suggests, when boiled down to the essentials, a jury trial is ultimately a battle of competing narratives. Mauet also raises good points regarding the psychology of jurors, especially with respect to attention span and information retention. I do, however, think that many of the goals Mauet asks students and practitioners to try and achieve can also be accomplished effectively during voir dire, the importance and significance of which seems to be discounted almost entirely in his treatment of the issue. I disagree with Mauet’s suggestion that Opening Statements are the “first impression” a lawyer makes with a jury. The true first impression always comes during voir dire, and I personally believe that cases both can be and are won during the jury selection process. Indeed, I view that particular stage of a jury trial to be absolutely critical.

2. **Mauet** – Direct Examination. What do you disagree with – explain?

   I saw nothing in Mauet’s treatment of Direct Examination with which I would necessarily disagree. Of course, different lawyers will have style differences, but I think Mauet actually covers most of the basics quite well. Of particular import is his emphasis on preparation and the admonition to keep it simple. Both of those elements are, in my opinion, essential to effective Direct Examination. The more technical points Mauet raises are also very important, as lawyers must be able to lay proper evidentiary foundations in order to be able to effectively present their case.

3. **Mauet** – Cross Examination. What do you disagree with – explain?

   There are many different schools of thought on how to conduct an effective cross-examination, and, in this area, unlike some others, I’m not sure there really is a “right” answer, as many different methods have their pros and cons. I have “my” way, of course, but this is an area of substantial disagreement, much of it stylistic, I think. With respect to the purely technical aspects of Cross, nothing in Mauet really jumps out at me, and I see nothing with which I would really disagree or take issue.

4. **Mauet** – Exhibits. What do you disagree with – explain?

   There is nothing I see in Mauet regarding Exhibits with which I would really disagree, and I think his treatment of the various technical requirements for introduction is actually pretty spot on. This is an area in which many lawyers,
especially new lawyers, often struggle, and I appreciate the detailed discussion of the different types of foundational requirements for particular types of evidence.

5. **Mauet** – Closing Arguments. What do you disagree with – explain?

While Mauet is undoubtedly correct that a Closing Argument must be, to some extent, organized and planned on the front end, I disagree that that type of pre-planning is always possible in every case. Other times, it may be impossible to really do so, except with respect to a few general themes and such, and I would caution lawyers to avoid appearing too scripted in their Closing Arguments. Indeed, sometimes, a Closing Argument may need to be rewritten almost entirely at the close of all the evidence, and it can also be affected by how the other side presents their side of the case. I do agree with many of Mauet’s ideas and suggestions regarding the use of instructions, themes, facts, rhetorical devices, and exhibits, but I tend to disagree, at least somewhat, with his stated position regarding negative arguments, as I believe negative arguments can sometimes be used to great effect, assuming, of course, that they are presented properly. On that point, in fact, many of Mauet’s own examples even illustrate this, and he does, in later sections, seem to pull back a bit from his initial blanket statement, which I appreciate. I simply think that, perhaps, he paints with too broad a brush on the front end, and I would urge students to keep an open mind on this particular topic and to learn to be flexible enough to be able to adjust mid-stream as the facts or circumstances may require.

* Please let us know if you do not have access to the Principals of Mauet