

Intro: This is Michael Cowen and welcome to Trial Lawyer Nation. - You need to show people the worst possible harm that that negligence could have caused because that's what the case is about. - I'm asking you to do is to focus on what you can control because that's where the power lies. - The Dalai Lama has a saying that, "In the face of anger, justice evaporates." - If you can't focus group it, you have to be very, very critical of your process. - The facts aren't good. You can't create a miracle. - We can agree to disagree and be zealous advocates for our client. - Quit worrying about looking perfect. You're not going to. That'll come in fact, but you can still be an effective litigate. - Welcome to the award winning podcast, Trial Lawyer Nation. Your source to win bigger verdicts, get more cases and manage your law firm. And now here's your host, noteworthy author, sought after speaker and renowned trial lawyer, Michael Cowen.

Michael Cowen: Welcome to Trial Lawyer Nation. Today. I'm here with my partner, Malorie Peacock, and we are going to talk about getting ready for trial. Malorie, that's very timely for us because we were supposed to be in trial this week and the judge bumped us to next week and then I'm getting ready for another one in February. Then you and I have another one in February.

Malorie Peacock: Yes, it is already a year full of trials and it just started.

Michael Cowen: It's fun, but it's a lot too. And so I wanted to talk to people about, we talk a lot about what to do at trial, but you don't hear a lot people talking about what you do to get ready for trial during the weeks or months leading up to ... And I'm not talking about answering discovery or taking depositions, I'm talking about just the logistics of getting your case and yourself ready.

Malorie Peacock: Yeah. I think that it's very individualized what you need to do to psychologically get ready for trial. But I think that everybody has sort of a list of all the things that they need to do before a trial that's just sort of your basics. If you don't do this, your trial is going to go to crap pretty quickly. So I think we should talk about both of those things because they're interesting.

Michael Cowen: Yeah. Let's start with, because your list is different than mine. And I think part of it is because I grew up in the law. My video editing was being up to 4:00 in the morning at trial with two VCRs trying to stop and paste. And we didn't have computer video editing and I didn't have the money to hire somebody. And again, I'd be up till 2:00 or 3:00 in the morning copying my own exhibits. Whereas you've had the luxury of being at a more stable firm and you're also just more ... you're less of a procrastinator than I am.

Malorie Peacock: Yeah. For me, being organized is everything. I like everything organized to the point where I know some of the staff probably thinks I'm a little nutty. But I like to know exactly where everything is. I like to know what we have. I like everything to be labeled and in order so that way when we're at trial, the worst thing for me is to be in a flow or doing something and then not being able to find an exhibit or not being able to figure out how to work my audio on my

deposition video or I want all that ahead of time. And I don't like the stress of doing things at the last minute.

Michael Cowen: And I will say having, now trying cases with you is so much less stressful because you are so organized. And then so much more stressful when I try a case with someone else because they just haven't had the experience you and I have had working together. And they don't necessarily know to do all the things that you'll just automatically do.

Malorie Peacock: Yeah. Well, I mean you have a good system because we've worked together for a long time and we know what each other likes and what we need and even down to when we're cross examining a witness that we both know we can't tap each other on the shoulder or try to whisper in someone's ear. We have a note system that we use with post-its and there's a whole system for it, but it's because we've been doing it together for a while. So we've got it down.

Michael Cowen: Let's talk about the logistics then because what's some of the logistical things that you just have to do to feel comfortable getting in?

Malorie Peacock: The really basic things for me are getting all my exhibits in order. That's sort of one of the very first things that I like to do. This of course is after you've already done the discovery, you already have ... This is like your 30 days before trial, before the discovery deadline. What are all of my exhibits? What do I need to prove my case? What are the jury instructions? Kind of gathering all that in one place and looking at it and making sure I have a game plan with the goal in mind of getting to a one or two page document that's our order of proof for trial. That has a list of all of our witnesses, has all of the exhibits and it has all of the points that we need to make with those exhibits and witnesses.

Michael Cowen: And I think one mistake a lot of lawyers make is they put every possible piece of paper from the case on their exhibit list. And I see a lot of times with defense firms. I mean they just list all this junk on there. I think we need to think if we're sponsoring it, it's something we actually want the jury to see or we need to protect the record. And I think the order, I lot of people just have like a random order of exhibits. I mean, if I have a hundred exhibits in a case, I don't really believe the jury is going to go back and read all 100 of them. So I want exhibits one through five, especially one that's on the top of the stack to be the first thing I want them to see when they walk into the jury room.

Malorie Peacock: Well, and it's going to be, I think the focus of your case. And so for instance, if the focus of your case is trying to get the medical bills in your case, then your first exhibit is a summary of all the medical bills and all the medical treatment in the past. Right? But you're focusing the jury on that. So if that is not the focus of your case, if the focus of your case is the noneconomic harm or what the defendant did wrong, maybe you think more about your first exhibit being a really bad crash picture or the police report that faults the driver or something like that so that the jury knows when they open the binder, oh this is what we're focusing on. This is the focus of the case.

Michael Cowen: Right. I mean if you have like 200 exhibits your expert took, you don't need to ... I mean 200 photos. You don't need to put all 200 in. Find the ones that make your points and you have other ones there with you just in case you need them. The other thing I do that I think really helps and when I practice with other people, they don't always do this is I get ... we have electronic filing anyway. So we start off with electronic copy. But if you don't, get everything scanned in or if it's a picture, get original JPEG, original format and just have a folder on your computer labeled exhibits one, two, three, four, five and then with a description of them so that when you're in trial, you can just click on your laptop and look at it and not have to go digging through papers and notebooks and looking for things. Because I don't know how many times that someone said something and we just pop it up on the screen on the TV and blow up that page and point at something. It's like, nah, it's not what it says.

Malorie Peacock: Well, and the worst thing to have happen is you know they said something else and you can't find it in the middle of trial because you're not organized. You don't know where things are. And you know that somewhere in this file contradicts what they're saying on the stand and you can't find it fast enough. And it is very stressful.

Michael Cowen: Or in middle age if you can't read it. That's another ... Men and women when you start getting in your mid forties, you need to start getting your eyes checked. Because you and I were in trial and I didn't realize I had presbyopia or old person's eyes. And they had printed these depositions 4 to a page and I knew the page and line from my 14 point font outline when the defendant said something different. And so I'm asking, "Isn't it true in your deposition you said," and I'm reading it and I can't read the damn thing. He said, and I had to go, "Malorie, what did he say?" And have you read it for me. So that's in the middle of trial is not a good time to learn that your eyes are bad. The other things I've learned the hard way, while you're out of town for trial or when you're getting ready to start a trial it's not a good time to find out your clothes don't fit you right because you've gained or lost weight.

Michael Cowen: I've never had a case where I've had all my clothes too big when I started a trial, but I remember I started off in shape and not fat when I started practicing law and then I've gained weight since. But when I was early in that process, I remember I just wasn't quite wanting to admit that I needed to move up a pants size. And I'm in trial and there's a jury there and I squat down to pick up a box and the back of my pants ripped. And happened to make sure I had my back to the jury, I had my jacket down. So now-

Malorie Peacock: I don't know if I'd be able to finish. I'd have to take a break.

Michael Cowen: You're in trial, what do you do? I mean, so we got through it, but I don't think any of the jury saw my tighty whities that day. But I don't even remember what happened to the case. So this was a long, this is the nineties. So it was a long time ago. So one of the things I do now is two weeks out I try on clothes, go to the store if I need to-

Malorie Peacock: Go to the dry cleaner.

Michael Cowen: Yeah. But just those little things, it's crazy, but you have to think of them in advance. Is my prescription for my eyes still good? Do my clothes still fit me?

Malorie Peacock: So it's confession time about your eyes. I told your assistant for this trial to take your glasses, your readers off your desk and go buy four identical pairs of those readers and put them in the trial box in case you lost them during the trial.

Michael Cowen: Thank you.

Malorie Peacock: Well you took them with you so she couldn't find them. It never happened, but I did tell her to do that.

Michael Cowen: You see, that's partnership. That's knowing each other and doing well. So those little things make a difference. The other thing is we spend so much time working on ourselves, on our presentations and our graphics, but most of the trial, there's someone other than us talking. And when is the right time to start getting the witnesses ready?

Malorie Peacock: Yeah, that's a really hard question because it's so case specific and it's so client specific. It depends on what you need your client to do. So you need to start by figuring all the witnesses really, what is it that you're putting them on the stand for? You never want to not know the answer to that question before you put someone on the stand. And you want to have a really specific outline for what are the goals and how do I keep this as short as possible for I think for every single witness. The longer a witness is on the stand, the less likely people are going to listen to the witness and then the more opportunity there is for them to screw up or say something weird or you know. And so I think that for everybody it's different. You've already started the prep process with your client from the beginning I would imagine.

Malorie Peacock: You've had many conversations about the case, about your strategies for prepping them for deposition. You've talked about what kind of stories you should tell, how to tell stories. You've already had these conversations. So it'll be old hat for them by the time of trial. But for all of your other witnesses, it might not be. And there's also witnesses that are just unpreppable. But you need to know that in advance. What you don't want is the night before you're going to put this witness on is the first time you meet them and you realize this police officer is not preppable. He is not going to listen to anything that you say. He is going to do what he's going to do and that is read from the report word for word or whatever it is. But you don't want to be finding that out the night before you put them on. But sometimes you can't get them to talk to you before that. So just, it's a complex question.

Michael Cowen: It is. But to me the biggest struggle is the lay witnesses because you could kind of get your client to keep working with you and working with you and working

with you. It's their case and they get annoyed after a while. But the problem with lay witnesses is that if I knew that my trial date was going to be, we're set for trial and it's really going to go 100% another time on that date, then I could go meet with them two or three times starting like a month in advance. The problem is that people don't have anything to gain. They're not going to get any money on the case. They're doing this because they're a coworker, a friend, a family member, and then the trial keeps getting bumped, and you've asked them to come meet with you five, six, seven times. They're not going to do it anymore and they're just going to stop participating in the process.

Michael Cowen: So unfortunately with those people, other than we try to meet them early, often we're not really truly prepping them until we know for sure we're going to go. Like we had met some of these people, but we actually were going to do the prep for our lay witnesses on Monday this week and we were going to put them on, on Wednesday. And now we're going to go meet with them on Sunday. And some of these people will say, "Well, why are you doing the last minute?" Well, one is a wrongful death case. These are people that know the widow.

Malorie Peacock: It's not complex testimony.

Michael Cowen: They're not going to say, "Oh, she was fine." So we're not that concerned about what they're going to say. We just need to work with them a little bit on finding some specific stories that are good to tell and how to tell those stories. But I'm just worried that if we had, as many times as this trial has been moved against our will, that we would have them not just bothering to show up anymore because they would have taken time off from work, they would've taken time away to meet with us so many times and they just quit doing it. So it's just, ideally you'd meet with everybody months in advance and you'd rehearse. And we've even had it where we brought people to the courtroom when it's empty and practiced. But the reality is because trials in these art jurisdictions get bumped so many times and it's really unpredictable, you can't always do that because you'll lose your witness by the time you really get to go.

Malorie Peacock: Yeah. And even in this trial, like the cast of characters has changed. This isn't the first time the trial got bumped. It's been bumped a few times before and we've been getting ready for this trial. And the cast of characters has changed since the first time we were going to go to trial. So the people that we met with this last weekend are not the same people that I met with six months ago when we were going to go to trial on this case. So, and it probably won't be the same people that show up on Sunday.

Michael Cowen: Because you just, people will only show up so many times. So you have to keep that in mind. As far as our own rehearsal, I mean, when do you start getting ready for your opening, your voir dire, your closing?

Malorie Peacock: Yeah, I mean ideally you would start doing it at the beginning of the case, but that's not really feasible. I mean, that's not ... That's what when you go to CLEs people say stuff like that. Like, "Well I have already written all the jury

instructions and I've already written my opening and my voir dire by the third week that I've had the ..." I mean people say crazy things at CLEs and that's just not feasible on every case. So you actually, for me, I need to pretty much be knowing that the case is not going to settle. It's ready to go to trial. And usually at that point it's maybe 30 days before the trial is when the discovery deadline is passed. We've already mediated. It's not going to settle. We're getting ready.

Malorie Peacock: But even then, to write out a formal opening and to write out a voir dire honestly happens usually kind of the week before. And some of the more complex cases, it's happening a couple of weeks before. But you still have the rest of your cases that you have to work on and you still have all of the other whirlwind things in your life. And so it's frankly, it's tough. It's tough to find time and it takes a lot of time and focused energy to write a good opening and to come up with a good voir dire script.

Michael Cowen: Well the other problem is in your opening, you need to know what your trial story is going to be. And we plan out our trial stories well in advance, and they're a work in progress, but just because it's like a hypothesis. We have, this is what our hypothetical trial story was going to be. And then we have to test that about what did we learn in discovery and then we're doing focus groups do people buy our theory? And I'll give you an example. You and I are getting ready for a trial later in February. And we worked really hard with a consultant before we did any discovery. And we came up with a theory of the case and we had all these great graphics and we had a plan.

Michael Cowen: And now that we've developed all the evidence, we do not think that is the most compelling story and the best way to win. So we have come up with a better, what we think is a better story. But it means we're not going to use a bunch of posters we have, the opening plan we had from a year ago. And that's when we actually did start thinking about what the opening would be over a year before we did our first depo. But it's not the same opening that we're going to do after doing all the discovery.

Malorie Peacock: Yeah, yeah. I think that's right. And so it depends on how much time you can really focus. I mean, I don't want to be unrealistic. We can say what everybody's goals are, but realistically, for most of the cases that everybody tries, most people don't have a two or three case docket. And we don't. And unless you have a two or three case docket for every single case of yours, you can't start working on the opening the day you get the case. Well, we did that on that case, it's because it's a big case and it's an important case. Not that they're not all important, but it's one of the biggest cases at our firm. It got a little bit more attention in terms of doing the opening right away and all that kind of stuff.

Michael Cowen: But even then, it's not going to be anything like the opening we're going to give in three weeks.

Malorie Peacock: Right. Right. And it's changed so much since the very beginning. And I think that that's also the danger of doing something very early is that it is very hard to not

stay committed to what you decided the case was about originally. I mean, you put all this work into a certain theory or a certain way of thinking about the case. It is hard to just give it up when you've thought about the case that way for so long. I mean, we spent the entire day yesterday going through how the case has changed from what we thought, that particular case we're trying in about a month, how it's changed since what we initially thought about it. And it took a lot of back and forth and us going through the evidence that we actually collected and going through what we thought originally, but we decided the best for the case was to change course.

Michael Cowen: Well, even this case that we're hopefully going to try between today with recording it and February 1st when this episode comes out, we thought we had a really powerful piece of evidence because it's a workplace injury. Someone was killed and afterwards someone came up to the police and said, "Hey, I worked for another city. This same company did something similar." And gave a statement and had pictures. And we took his deposition and that was going to be a huge part of our case. But when we really started looking at it closely and we thought, well, this is going to cause some confusion. It is kind of different. We're not sure he was 100% right on his allegations. Is a jury going to hold us to a higher standard that now we have to prove they're bad both times or they're ... And we decided that we have a super strong simple case. And so a lot of the other things that the defendant did wrong in the past and even things they did wrong that day that weren't causal or weren't necessary to prove, we decided to simplify the case and change the opening.

Malorie Peacock: And a big part of doing that was looking at what our jury instruction was, which sounds elementary because well, the jury instruction in this case changed substantially. But originally it was a basic negligence instruction. But looking through it and thinking, what is it that I need to prove to establish causation? What are the only things that I need to prove? And then looking at all of our other evidence and saying, "Well, is there another reason to put this in?" And most of the time the answer is no. There's not a compelling reason to put something in that's useless-

Michael Cowen: And causes confusion and makes it complex and-

Malorie Peacock: Right. And so really story boarding it out and mapping it out and writing your order of proof and saying, "Here are the things I need to prove. Here are the exhibits, here are the witnesses, here are the things that someone needs to say to prove those things really simplifies the case." And for a wrongful death case that has some, it's a workplace injury. So there's some complex regulations involved. Our goal is to try it in three days. I mean, because we simplified it so much, but that didn't happen overnight.

Michael Cowen: Yeah. And I think one other thing is that we spent a lot of time in work, you especially, making all these graphics and we printed up 80 something huge boards to use for trial. And then I went up and worked with Sari de la Motte on my opening. And we were talking a little bit about simplifying before, but she's

like, "If you say that this is a simple case, but then you use 60 boards during your opening, your actions are saying it's a complicated place. And your actions and your words are not congruent. And so you need to do that." And so we really worked on, we found our on off switch. It's like if they did X, which was required by law, he's alive. Because they didn't do X and they broke the law, he's dead. And everything else is just kind of icing on the cake. But we don't need to get into every other little thing they did wrong because it just confuses them. And it also, in fairness did not cause the death. The other things they did wrong were not causal. There were just other violations.

Malorie Peacock: Right, right. And so back to trial, you mentioned one of the things that we did in this case coming up is we prepared a lot of visuals. I mean in this case we prepared a lot of visuals. And part of it is because the regulations are not incredibly simple. So we needed a visual plan to make them simple. That did not happen the week before trial or two weeks before trial. And if you have a complex visual plan for your case where you need something like that, that's something that you have to start preparing much further in advance.

Michael Cowen: And just to print, the lead time for printing just to print those big boards, and they're 30 by 40 inch, which is not a standard size, you need a week or two lead time just to get the printing done. But then all the graphics and working with them. The other thing we found is that we needed to use them with our expert. We needed to bring in the expert and spend a day with them just going over them. And is this worded right? Is this something you're comfortable with? And then having the expert learn how to use a visual to teach instead of just sitting there and reading from his report.

Malorie Peacock: Right, right. And if you're going to use visuals with any witness at trial, you have to show them the visuals before trial.

Michael Cowen: And practice with them.

Malorie Peacock: And practice. People don't know what you intend to do with it or what they're supposed to do with it. You shouldn't assume that everybody can read your mind or that anybody in that courtroom has ever been to trial before and would know what a jury expects or what's the best way to communicate with a jury. And telling people basic, obvious things to you, is not basic and obvious to them. And one of the things that we always go over with our witnesses is where should you be looking when you're answering questions, which sounds super basic, like you're talking to the jury, look at the jury. That's not obvious to people because when you're answering questions, you're looking at the person that you're talking to usually. And so preparing people for that kind of an environment, it's something that you have to do with everybody. Even very, very seasoned experts.

Michael Cowen: Absolutely.

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Michael Cowen: Rehearsal is important though. I mean, we talk about sometimes you don't get to write your opening as early as you want, but I do think it's important for the courtroom not to be the first place you're saying these words to another human being. I mean, whether it's just people in your office, whether it's your family, a pack of dogs, I don't care what it is. But you need to practice giving it, you need to get feedback. Do people actually understand you? And even on a smaller case, you can do that. I mean, bring in a 12 pack and order some pizza and ask your friends to come in. I mean, just get friends that are honest and good enough friends to not just tell you, "Oh, you're awesome." Although being torn apart-

Malorie Peacock: Is not helpful.

Michael Cowen: Before trial. But people needed to see, I didn't understand you or you could have said this a little better or ...

Malorie Peacock: Yeah. And frankly, even getting comfortable. I think people assume that trial lawyers are natural public speakers, but if you've ever been to a conference, you would know that that's not true. And so getting comfortable speaking in front of a ... You think in your mind it's only 12 people, but when your entire case relies on whether those 12 people understand everything that you say, the nerves start to creep in. And so getting used to speaking in front of 12 people on a really, really important matter, that means a lot to a client that's sitting in the courtroom watching you, it takes practice and it shouldn't be taken for granted. I'm a trial lawyer, I speak in front of people all the time. That's not the same thing as speaking to a jury.

Michael Cowen: It's same for if you're planning on using posters or using a PowerPoint or anything else. Practicing with it makes such a difference and making sure you're comfortable with it and running through with the technology. I remember the first, it's funny that was my first seven-figure verdict. And I'd worked really hard to do this PowerPoint for opening. And I get there and she calls me and I spend about a minute, minute and a half, and I can't get the darn thing to work. I don't know if it's a protector of my computer. I couldn't get to work. And I'm like, "Well ladies and gentlemen of the jury, I worked hard making a PowerPoint, but

you're not going to get to see it. So let's talk about what happened in this case." And it worked out. But I could also see, had I not had 40 or 50 trials under my belt that time, just totally freezing up and freaking out.

Michael Cowen: And I've had other instances. I mean, once we had a big media case, a case that was in the media a lot and we had a big hearing and I had my PowerPoint. And actually what it was is I had the lens cap on the projector, but I was just, I couldn't get it to work. And I just got more and more flustered. Then I read on a blog the next day about ... but it worked out. But it's just one of those, if you don't practice it, that's how I've learned that you got to practice this stuff first. You got to go look at the courtroom and see what are the things we wanted to do.

Michael Cowen: We've worked with a guy named Rodney Jew, a litigation strategist. And he's got this great system for you have four easels up, you have four big boards when you're presenting things in a sequence and they relate to each other, but you can't fit four easels in this courtroom. It's too small. And some courtrooms, we have this beautiful big 70 inch TV, but some court rooms it doesn't fit. And so you have to see, does what we want to use fit in the courtroom and if not, we need to come up with another plan.

Malorie Peacock: Right, right. I think when you're preparing the visuals for trial, Michael, I know you think a lot about this because we've tried cases together and I've seen your PowerPoint presentations. But I think one mistake people make is putting too much information on PowerPoint. And too much info and not giving people a visual break during a PowerPoint. And so one of the strategies that you have to do is when you're practicing with the PowerPoint, figure out when you want the jury to be engaged with you and when do you want them to be engaged in something that's going on, on your PowerPoint, your screen, your visual, and realizing that there are only going to be engaged with one or the other.

Malorie Peacock: They're not going to be able to do both. And the only way that you know when that's going to happen is by practicing in front of real people seeing where their eyes are drawn. What are they looking at and are you giving them the time to look at whatever you're showing them? And is it even important that they look at whatever it is that you're showing them? Maybe it's a distraction from being engaged and connected with you.

Michael Cowen: Which is why when you look at my PowerPoints, there are a lot of black slides with nothing on them because when I don't want them looking at the screen, I have a black screen. And then I try to have one image, one phrase, one thing at a time when I'm doing a PowerPoint. Now some of the posters we do are a little more complex and there's reasons for that. But generally it's one thing at a time because I want to ... There's nothing worse than having like 20 bullet points and then people can't read it.

Malorie Peacock: Right. And people think that they should. I mean, when you're in school and you're learning on something that the teacher writes on the whiteboard or that

the teacher has on a PowerPoint presentation, the teacher expects you to be reading it and taking notes from that. And so that's what people are trained to do, is to read the things that are in front of them. And so it's the same even if you're using a flip chart. If you've drawn this picture on a flip chart and you've written notes on the flip chart and you're moving to a different topic, if it's not relevant to what you're talking about, the jury is going to keep going back to the flip chart. So take it down. Put it on the next page until you're ready to go back to it to take their attention off. But that just takes practice of knowing where people are going to look. And it has to be something that's done ahead of time.

Michael Cowen: And the problem is you want people to be thinking about what you want them to think about if you happen to catch them while they're paying attention and not daydreaming. But the more different pieces of information you have out at once, the less likely they are. So you need to have whatever you want them thinking about is what you need to put on. And then whatever you want them looking at. The other cool thing I learned from Sari de la Motte, I used to think I had to constantly have eye contact with the jury and now I realize that I'm in command. If I want them looking at the screen, I need to look at the screen. And then when I'm done with the screen and I go back and look at them. But it is so weird to be like looking at someone in the eye and saying, "Hey, look over here." And you point somewhere else while you look in the eye. It's very confusing.

Michael Cowen: You don't know what you're supposed to be doing. And so the getting the comfort where, one, I had to learn to make eye contact with people and inform a human connection, but now I'm trying to get to that next level of like, I know how to make eye contact. I know when to do it. But I also know, hey, let's go look at something else. This is what I want you to look at. So I'll look at it too and we'll look at it together and we'll be part of the same team.

Malorie Peacock: So other than visuals, which in every case I think every case requires some amount of visuals. You can't just talk for the entire case, the jury will get forward, people will stop listening. And not everybody learns by just hearing something. So I think there's a place for visuals in every trial. How many, how diverse, how complicated they are, just depends on the case.

Michael Cowen: Right. And that does not mean you have to spend money on visuals in every trial. We have tried cases with medical illustrations I found from Google images and with some client family photos, and with taking the medical records, taking just the PDF and putting up on the screen, either a projector or a TV screen and highlighting things from within Adobe, not having spent any money on anything fancy. And we have other cases, we spend a ton of money because the case justifies it. And we've done really cool stuff. But just you don't have to spend money to have visuals. I mean, with the internet now frankly, you can find some really good stuff out there for nothing.

Malorie Peacock: Yeah. And you can do a lot in PowerPoint. I mean, you can make a lot of cool things. I've made a lot of really complex slides and visuals, just using

PowerPoint. Most of the ones we're going to use for this trial began as PowerPoint slides. Later we decided we wanted to have them blown up into big boards. So we had to get a graphic illustrator to help us, but all of them started just as regular old PowerPoint slides that I created. So-

Michael Cowen: And it's just playing with it.

Malorie Peacock: It's just messing with it. It takes time. One of the other things I think that people don't give enough thought to before they go to trial and it seems elementary, but it's even very experienced attorneys I see doing this. They don't think about how they're going to get their exhibits admitted into trial. They have all these great exhibits on their list and they put everything that's in the file on their exhibit list, but not everything is admissible. And so thinking about the rules of evidence and who do you need to sponsor something, if you need someone to sponsor something, if it can just get in, when are you going to try to admit it?

Malorie Peacock: How is it going to be admitted? What you don't want to be doing is struggling to find cases or the rule of evidence or something like that when you're trying to admit something. You need to have a plan for if you know that it's questionable, have a case ready or have the rule ready. There's things that we all know get in. But there's things that I see on people's exhibit lists where I'm thinking, what is your game plan for this? And they don't have one. I mean, they just put it on the list.

Michael Cowen: And I'm incredibly comfortable with the rules of evidence. I did well in evidence in law school. I've tried a lot of cases. I know them very well. I'm not saying that to brag, but even then I think about what are the things that are going to probably have an objection and what is my plan? And then I have like a little outline like on a piece of paper, this is admissible, role whatever, role whatever. This is my plan for arguing why it's admissible. So like we have one, it's a business record, it's a public record and the statements that would otherwise be hearsay within it are statements of a party opponent. And these are the role numbers and this is the text with raw need. And if it's something where there's a case or two, I will write the cases and I'm going to the cases printed and paper clipped. We have one about whether OSHA citations and reports are admissible.

Malorie Peacock: Right. I have a series of folders with different case law for different topics that I think are going to come up.

Michael Cowen: Because you know it's going to come up and you don't want to just argue off the top of your head. You want to be able to hand the judge a case. You want to be able to cite the role and don't count on memorizing it. I mean, you just write it down.

Malorie Peacock: Yeah. And the most important thing at trial is when you do get the objection, you're confident to proceed accordingly. You're either confident that it's going to come in or you're confident that you can do it without it. So you're ready

either way, but you've thought about it. And so that you're not totally thrown off in trial where you're scrambling to find a rule. The judge is looking at you, the jury is irritated because you're taking this huge break trying to find something. And I mean, and then you're stressed out and sweating because you can't figure it out right away. And that's what you don't want that. That's what you want to avoid.

Michael Cowen: And I'll give an example of that. There's, for some reason in Texas at least an expert report is hearsay and it's not admissible. And I have seen defense lawyers say, they always put on their exhibit list and I guess maybe some people don't object or some people just don't try that many cases. So the defense lawyers don't realize that. And I've seen in a deposition where the guy's just taking the guy through, so in your report when you wrote this, what did you mean? And what was the next part of your report? And they just ask him about this report that the jury is not going to see. And it's the most confusing, worthless testimony when they do that. Whereas if they had thought about their things like, what is your opinion on this? What is the basis for that opinion? Why do you think that? What is the proof of that, would have been such a more effective way to have presented the testimony.

Malorie Peacock: Right, right. So coming up with the order of witnesses is something that we usually don't do until very, very close to trial. Part of it is because of scheduling issues that you might have with experts or certain witnesses. So you have to put them in where you put them in, but you want to still make sure that the case can flow wherever that expert is going to pop up or wherever that witness is available. And so that's something usually we leave till probably the week before.

Michael Cowen: It just depends. If you have a lot of experts and you need to start ... you can't wait till the week before because you've got scheduling issues and our paralegals, we just tell them all to show up the first day of trial and that won't work. So that, I think it really depends. But in most cases you do have to wait a little later because you'd know for sure what the order is, how long people are going to take. You also don't know what day you're actually going to start. How long is this judge going to work each day? And your experts have to have some flexibility on that. And if they're not willing to, they just need to work for somebody else. But yeah, I think the order of witnesses is really important.

Malorie Peacock: Yeah, it is important. There's a couple of things that you need to think about. There are certain witnesses that you can begin in one day and end in another day and it will be fine. There's other witnesses that will be totally confusing to the jury. They'll forget what was said. They'll lose track, you have a good sequence, and then the next day they come back and they've forgotten everything. And so it's, you have to think about those things. How long is the witness going to take? Usually when we have deposition video clips, I write down how long the clip is, so that if I need 15 minutes to stall till another witness arrives, I know which clips we can play. Right.

Malorie Peacock: So that you know, or I know what witness I can call. Well, it's the person, my plaintiff's brother, and he was going to tell these three stories, so it'll take 20 minutes. Why don't I just call him in the meantime while I'm waiting for so-and-so to arrive? So having an idea about kind of where you can move things around if you need to in an emergency because things pop up in trial and you can't assume you're going to be able to do it the way that you want.

Michael Cowen: But I think it's important to start strong. Start with a witness that's going to tell as much of your story as possible. But also you want to start with a witnesses that's not very impeachable, that's going to testify well, that they're not going to have a great cross on that witness. If possible, I'd like to start by proving the defendant did something wrong before I start talking about harms and losses. Now, ideally I would have a, let's say you have a catastrophic crash. You can have the police officer talk about what they saw, why it's the defendant's fault, and about the harms and losses after that and all in one witness, so it would be ideal. You know, a lot of the cases I've tried, the harms and losses aren't obvious that day at the scene. They start hurting later and it develops over time.

Michael Cowen: So that doesn't always work. But I think it's important though to start strong. Sometimes I start with the defendant because you know you can do a cross with them and prove what you need. Sometimes though you have to start with an expert and set what are the rules, what are the standards? And to prove up their learned treatises and other publications you need to effectively cross a defendant. It just depends. But I think it's important to think about that. The other thing is think about what's the jury's energy throughout the day? So at the beginning of trial, that's where they're going to be the most attentive. Later in the afternoon that post-lunch crash. So let's say you have a defendant's all the time call their, they do video depositions of their medical experts. Well you're planning out your trial, may be the second or third day of trial.

Michael Cowen: You have some good points you made during theirs too. So you'll present their person by video, maybe 2:00 in the afternoon when everyone's falling asleep. And then your 30 minutes of good stuff's going to go first and then they're going to have their hour of video drowning on after that. That might not be a bad idea. Just thinking of the jury's energy and who's going to hear what and when. But definitely, and other people, Andy Young disagrees with me. He's been on this podcast and he thinks you should start with a witness about what great people these were and stuff. But I respectfully disagree with Andy. I think in most cases we're going to look like we're trying to get their sympathy and we're going to arouse suspicion from the jury if we don't go prove that they are blameworthy before we start talking about what went wrong.

Malorie Peacock: Yeah. And I think then on that note you start strong but you also have to end strong. What you don't want to do is sit down on your weakest witness. And so we usually are very careful about who we select to go last. And it's frankly usually not the plaintiff. It's usually someone to talk about the harm that's been caused, right? It's the end of your story. This is what harm has caused. This is what I'm hoping that my friend, my family member or my coworker can get back

to in the future. And you leave on a note of hope, but you also get some testimony about this is their life now.

Michael Cowen: And that's something I've learned over time. Because I used to always call the plaintiff last. And my logic was start with what the defendant did wrong. Then get all the lay witnesses to bolster that my person is really hurt before I put them on so they'll be more believable. But then I would always end with all the cross examination on every little inconsistency in the medical record, every little thing you said different in your depo. So I like now to sandwich the plaintiff in there and just to have the people showing the plaintiff's really hurt, then the plaintiff and then ending with our best witness or two about how they are really hurt to diffuse any of that cross.

Malorie Peacock: Right, right. So thinking about the order of the witnesses is something important, something you should do in advance. You don't want to do it the ... I mean you don't want to not know who you're going to call every single day. But you have to be flexible too. You don't know what the schedule is going to allow for. You don't know what kind of emergencies are going to pop up. People are late to court all the time, they can't find parking, whatever. And so you have to be flexible and you have to know where you can be flexible on those things and where you need to ask. Because you can only get so many favors during a trial. So you need to know is this witness ... who were my favorite witnesses? Who are the ones where I say, "Judge, can we take a coffee break so that we can find this witness. This is my next witness. I need this person now." Right. But you only get so many of those. Right.

Michael Cowen: But you know that loyal friend or family member that's there to provide emotional support. Then you can have them as the auxiliary. I can put you in when I can get you in, in case I have a gap or something. And then if not, you'll be one of my last witnesses.

Malorie Peacock: Right, right. So you have a backup plan for emergencies. But knowing what that is, is I think important. And it keeps you calm during trial because you know that you have a plan. I think knowing that you have a plan makes trial go so much more smoothly, but it also takes so much pressure off of you because you have to be on the entire trial. And being on takes a lot of energy.

Michael Cowen: Let's talk about that. I mean, we were talking about the logistics of trial. But there's a mental, emotional, spiritual part of preparing for and being present for trial.

Malorie Peacock: Yeah. I think it's different for everybody. For me it's very important that I feel prepared so that everything is organized the way that I like it. I've looked the Friday before at all of my boxes. I have all of my books that I want and they're tagged with the things that I want. I have everything organized the way that I like it. And I've confirmed that the Friday before trial. And then during the weekend before trial, I really try to get some stuff done maybe on Saturday because I can't help myself. A couple of things, but a couple of kind of no

brainer things. Maybe go back in and look at the boxes a little more and make sure they're organized or maybe pull a couple of cases that I thought of where I said, "You know what, it wouldn't hurt to have this case with me." But nothing that's really, really strenuous.

Malorie Peacock: Maybe practice the opening, practice the voir dire. And then the day before trial, make some kind of attempt to not do too much. At least try to take half day if not the full day to be with your family or to do something that you enjoy doing. Just to kind of relax, be in a good place, try to go to bed at a reasonable hour, eat a nice meal, decompress. And then that way when you're there at trial, you're ready to go. You're not exhausted from having pulled all-nighters all weekend. I think the worst thing that you can possibly do is show up for the time that you have to be the most dynamic in trial, which is voir dire, and you be totally exhausted because you've pulled all-nighters the week before.

Michael Cowen: Yeah. And I could do that when I was in my twenties. I can not do that at 49 closing in quickly on 50. I try to take a full day off the weekend before. It is hard. You end up looking at something, but I try really hard to not do a lot of work. For me, it's like the day before usually witnesses and other people have to come down and talk to. But so like we're going to start a trial. Hopefully we're picking a jury on Monday afternoon. So I'm going to try not to work tomorrow and Saturday. I'm going to do my very best to just take the day off, relax. If I maybe take care of something on another case just so it doesn't weigh on me. But I need that because ... and I learned that, parts of it trying cases, but actually of all weird things, marathon training.

Michael Cowen: When you run a marathon or half marathon, you got to get up till you run far enough to where you can run a marathon. And my trainer had me go up to 22 miles, like a few weeks before the marathon. But then you start tapering down. And you do all this stuff and you're building up this stuff in your body, but then you got to let your body heal and rest so that you can actually perform the day of the race. And I think it's the same thing for our minds and our spirits that we do all this work to get ready for trial, if we don't kind of like, okay, we're going to ... There's not much more that we can get done. The additional prep of working all day Saturday or working like when you're in trial, like working till 2:00 or 3:00 in the morning every night.

Michael Cowen: Whatever additional you gain from that, you lose in the bad performance and the exhaustion and the mental fog. And so my thought is like next week we're ready. I don't need to work tomorrow. It's not going to make a dip. And maybe it would make me feel like well, I'm doing something. I don't need to work late every night. I know what I want to ask. I'm prepared. And so my plan is to do my best to be in bed. I might not fall asleep right away, but to be in bed at a decent hour.

Malorie Peacock: Yeah. And at some point you just have to recognize that the case is with the case is. Discovery has passed, whatever new idea you think of it's too late. So you have to try the case that you have and you are ready to try the case that

you have. And thinking of new ideas now, it's not going to help you, it's just going to make you think of all the crap you should have done before. And that's not helpful. The case is what it is and you're going to try the case that you have. Coming up with new ideas is not helpful.

Michael Cowen: Well like new theories and new ...

Malorie Peacock: Right. But new things you wish you would have done, new depositions you wish you would have taken, new records you wish you would've had. It's only going to make it worse.

Michael Cowen: Absolutely. And although you do something, I mean I have woken up at 3:00 in the morning with an idea that has worked. I mean, I was in a trial, I woke up at 3:00 in the morning and it was like, almost like a voice in my head saying, "Look at the expert CV." And I went and at 3:00 in the morning I looked, and it looked like he was not actually a member of a society he said he was a member of. And then we checked it out the next morning and found out he really wasn't. We called and then found a way to use that effectively in cross examination. But that was just ... but I didn't stay up all night. I looked at it, I said, "That's cool." And then I went back to sleep and then just got to work on the morning. But I'm not going to stay up all night researching defense experts. I mean, that's what you do well in advance.

Malorie Peacock: Right, right. And one of the things, speaking of experts, that's one of the things that I think that you have to do well in advance of trial and in advance of your discovery deadline. Because if there's things that you want to use, there is an argument that if you didn't produce it, you can't use it, even if it's impeachment evidence. So if there are certain literature that you want to use against them or things from their past deposition, testimony, affidavits that they've given, better to have in advance. And then whittle through it, create your expert folder, your expert cross folder with all the stuff that you want and then that way it's easy for you. By the time it comes to trial, you have an outline, you have the visuals you want to use, you have the articles that you think are the best, the literature or whatever it is that you're ... whatever kind of expert it is.

Malorie Peacock: And you can get in and you can get out because the worst thing that you can do in front of a jury is get in the weeds and then with the expert on the medical or on the science and have your ass handed to you in front of the jury. I mean that's not helpful for your case. And it makes you lose confidence. I mean you should have a written out. I believe almost every single cross-examination at trial should be something that you've written out in advance. And the reason for that is because if you haven't written it out, you don't have a clear strategy, you're not going to get what you want. And you're going to him haw around and by the time that you actually get to what you want, the jury's not listening anymore.

Michael Cowen: Yeah. And then how you write up is different. Like I think you write out each question where I write up points. But it's still, we still both have a plan.

Malorie Peacock: Yeah. It's different for everybody. But having a very clear plan is what's important. And for me, because of the way that I ask cross-examination questions basically, which are sentences that sounds like questions when I ask them-

Michael Cowen: That's what you shouldn't do.

Malorie Peacock: I actually write up a sentence that I want them to agree with.

Michael Cowen: But for me as being present is so important is that I just write out the points I want to make. But I still have a plan and that's why people ask me all the time, "Well, do you have a outline for this? Do you have an outline for that?" Like I can show you what I wrote but it won't make any sense to you.

Malorie Peacock: Yeah. I think though now, I mean me and you trying cases together, I think you write more detailed outlines now.

Michael Cowen: Yeah. Because I want you to read them-

Malorie Peacock: Because you want me to look at them and to know where you're at in the cross so that if we need visuals or we need to pull something, I know what you're doing and what the plan is. But if you have a partner in trial, you need to make sure that they're on the same page as you. And so I know you write more detailed outlines so that I can be with you and know what you need next and where we're at.

Michael Cowen: And also I'm just generally a better prepared lawyer than I was 10 years ago. That's experience. And frankly it's having a smaller docket and having the time to be prepared. Other thing on experts is just meeting with your expert well in advance to make sure that they will go along with your trial theme and trial story and not decide to go rogue and come up with their own.

Malorie Peacock: Yeah. You know, unfortunately it happens to everybody. So this happens with lawyers, it happens with experts. It happens with everybody. Lawyers think that they are doctors because they read all the medical literature, the same way that doctors that testify all the time think they're lawyers because they've testified so many times. It's the same phenomenon that happens for both of us. And so you have, knowing that that's the case, you need to make sure that they understand that you're the lawyer, you're in charge, they need to follow your lead. And if they're not going to, you need to know that well in advance because what you don't want is someone going rogue on a stand.

Michael Cowen: Yup. Last topic I want to get is trying cases with other people. I'm going to be honest, other than you, it is much easier for me to try case by myself than it is with someone else. Now I still do it, but you have to really be on the same page. And there's nothing worse when you're trying a case and your co-counsel is

coming up with their own ideas and all of a sudden you're telling two different stories. You're trying two different cases.

Malorie Peacock: Yeah. I think in every trial there has to be a captain. And I think the reason that me and you can work so well together is because when we try cases, I'm fine if you're the captain. I don't need the ego boost. I don't need the glory. Well, frankly to me it's both of our glory if we win. And you feel the same way and I don't care if you're the captain. And people that I have tried cases with that are not you, I've made it clear that I'm the captain and so it can work that way too. I mean-

Michael Cowen: When they will follow.

Malorie Peacock: When they will. I've had it not work too where I've had other people think they're also the captain. I mean you can't have two captains.

Michael Cowen: You can't.

Malorie Peacock: And so if you're going to try cases with someone, there has to be a very clear delineation of the roles. And we actually, me and you, we write it out who's doing what. And so there's no question that you're doing voir dire and opening. I'm doing the cross of this person. I'm doing the direct to that person. You're doing the cross. We have it all written in a very succinct way and we don't strike from it. That's what it is. And we don't change our minds because then it throws a big wrench in all of it.

Michael Cowen: And if you have a big fundamental disagreement with the captain about how to try the case, about the theory, about the themes, about the time to have that is after it's over. After, when you're decompressing, you can't be arguing about it or stressing about it during the trial. Just the more experienced lawyer typically makes the call. And if you don't agree with it, I mean don't sit there and argue with it. Don't try to go show off and go rogue while you're doing it because I've had that happen and it doesn't work.

Malorie Peacock: Yeah. The worst is to be a divided front.

Michael Cowen: Yeah. And it's worse when you're trying cases with lawyers at other firms and they have one client, you have another and it just really, it can really cause problems. Because we had one case, it almost went to trial. And we had our way that we wanted to try the case and we would make all our points without being mean. And then someone else would go up and they would just beat the crap out of this witness and just create so much sympathy for the poor person which is not what we're trying to do. And we have to try to get the jury mad at the company, not against, not the low level employees that weren't given the tools and training and education they needed to do their job. And so it's just really tough. And I don't know how you'd do that other than you try, but lawyers have such big egos.

Malorie Peacock: Yeah. You have to, I mean, you try and you do the best that you can. But it is a problem with lawyers and egos. And the problem is that nobody likes to be the second fiddle if they're not appreciated. But people don't mind being the support team if they're appreciated. I mean, that's the-

Michael Cowen: I've tried to tell lawyers that have other people in cases. Now, except right now it's like just sit back and let me make you money. But that's not always well received. But it's just like, I got this, just don't mess me up. I've got this, you're going to make a lot of money. Go spend your time working on something else and let me handle it.

Malorie Peacock: I mean, and frankly, I mean, when attorneys that co-counsel with me tell me something like that, I don't take it well. I don't believe them. And I say, "Well, too bad I'm running the show." I mean, that's so I can see how other people would feel about that. I've had attorneys do that to me and it's-

Michael Cowen: I don't always word it that way either. But honestly, and it is problematic though when you have different people with different theories in the same trial. We've had co-counsel and we've been able to work very well with together and do focus groups together and come up with a plan. But we've also had other people that are just, they're just going to do what they're going to do even though it's incredibly ineffective and they've never been successful with it before. But that's what they're going to do.

Malorie Peacock: One other thing that we should talk about before we leave about trial prep is a decompression after trial. So this is something that we don't talk about a lot, but I really felt it this week. So one of the things that happens to me at trial is I get a lot of energy and a lot of adrenaline and a lot of excitement around a trial, a lot of nerves. It's all kinds of things rolling around. And then when we didn't go this week, I really fell hard. Like I just took a really big jump off a cliff with my energy and my enthusiasm for things and my attitude. I was just mad and grumpy and just not having it. I just wasn't having it. And I think that no matter whether you lose a trial or you win a trial, you have to recognize that there's so much energy and so much of yourself that you put into it, that you have to give yourself time to be with that energy and be with that feeling in order to move on to your next thing.

Michael Cowen: Absolutely. And you just look, if you tried a case, you did a lot of extra work. You weren't working a 40 hour week, you were working weekends, you were working nights at some point. So take a day off or half day or whatever you needed. I mean, or come in and just talk to people and relax. Just you have to ... again, it's management of energy. You cannot be 100% on working full blast every day. And it's hard because when you're on trial, all the other shit piles up and you feel like, okay, now I'm on a trial and I got to get all this other stuff done. It'll wait a day. You need to take care of yourself. And it's funny, I have something similar. My ritual for wins and losses isn't that different except it's more private in losses.

Michael Cowen: So a win, what do we do? We go out to eat, we have some wine, we have some champagne and we celebrate it and then we go on to the next one the next day. Once we ... and then we'll come in late, we'll sleep late, maybe take a day off and then get back to work. It's done. When I lose a case, either that night or the next night, I'll open up a really expensive bottle of wine at home and I will, I don't drink it all by myself, but I'll drink a considerable amount of it and my wife might help me. And I've said goodbye to the case. I have shown myself I could still afford a bottle of red wine and that my world's not over. And then I'll sleep late and eventually get to the office and I open up a new file and I start on another one and that case is gone. It's buried. It's no more.

Malorie Peacock: Yeah. I think also telling war stories, this is something that it took me a while to realize how attached I would get to cases. And I've lost cases of course and won cases. But for me, I take the losses very, very hard and telling war stories about the cases cannot come the next day or even the next week for a case that you lose. And there's something to be learned about every case that you lose and there's something to be learned for your colleagues. I mean, I know for our firm, we talk about the losses just like we talk about the wins, what can we learn? But it's also something that you have to be respectful of whoever the attorney is that tried it, even if it's a win. Whether it's a win or a loss, sometimes it takes some time to be able to talk about it without being emotional about it. And because you put so much of yourself into it.

Michael Cowen: Yeah. And when you're that raw, you're not going to learn the lessons that need to be learned. And quite frankly, when you're on the high end euphoria from a big win, you're not going to learn. You're just, you're so happy you won. You're not going to be talking about what-

Malorie Peacock: Right. And so at some point later in time, whether it's days, weeks, for everybody it's different. But you have to reevaluate the case, see where things went wrong, where things went right if you won. And even if you won where things went wrong, right. There's cases that we've won that things still went wrong during, so that you want to try to learn from it for the next time. But giving yourself some space before you start to evaluate yourself, I think is important.

Michael Cowen: Yeah. And I usually don't ... I should and I should be a bigger man and do more of that. But when I lose a case, it's I let it die and I go on with my life. Not that I don't learn things, but I don't dwell on my losses because you can do a lot to make yourself have a better chance of winning. You can definitely do things to make yourself lose. But if you do it all right, all you're doing is you're putting yourself in the best position to win possible. It's like if you're an NFL quarterback playing in the Super Bowl, you're one of the best of the best, you've worked hard, but so has the other guy. And only one of you's going to win. And it's not within your control 100%. You can't control what the referee sees. You can't control where the receiver is going to catch the ball.

Michael Cowen: You can't control ... I mean, there's a million things you can't control that day. You can't control how your defense is going to play. Same for trial. I mean, we don't control the facts. We don't control who the judge is going to be. We don't pick who the jury is 100% and what their prior life experiences are and we don't get to pick what the defense is going to do. And so when we value ourselves as human beings and lawyers by what happens in the jury room, we can really be twisted both ways. We can get totally unrealistic out of control ego when we win and we can be way too down hard on ourselves and down and scared to do it again when we lose. So it's that 100 spent commitment to the work, but detaching ... and not that you don't want to win with every fiber in your body and it doesn't hurt like hell to lose, but you cannot say, "I am a bad lawyer because I didn't win this case."

Michael Cowen: I can say I'm a bad lawyer because I didn't prove it in my evidence are because I didn't do something right. I didn't practice well enough, but not because of the ... If I did what I was supposed to do and it's just a tough case or it just wasn't my day, then you just got to shake the dust off and go get them next time. Hopefully that's not the conversation that we're going to be having this weekend. Hopefully it's going to be-

Malorie Peacock: You know I hope not. But I think that we've committed ourselves to the work like you said, and not to the outcome. While the outcome is important, we can't control that. We can control the work that we've done.

Michael Cowen: But we're going to try the hell out of that case.

Malorie Peacock: We will.

Michael Cowen: And hopefully we'll have some news if we actually get reached. We've been ready to try this case multiple times, but hopefully this time we're really going to go. And for those of you who will have listened to the Facebook Live, you will know whether or not we won or not because my plan is to do it from the courtroom at last.

Malorie Peacock: Oh my gosh.

Michael Cowen: So we will see you then. Thank you for joining us today and I look forward to having you with us next time on Trial Lawyer Nation. Thank you for joining us on Trial Lawyer Nation. I hope you enjoyed our show. If you're listening to this episode on a mobile device, please click on ratings review and leave us a five star rating and write a review. And if you're listening to this episode from our website, please leave a five star rating on the episode page. We'd love to reach more listeners and doing this well more attorneys find this podcast. You can also visit our website [www.triallawyernation.com](http://www.triallawyernation.com) to opt into our mailing list so you can stay updated on our new episodes. I promise we won't spam you. And thanks to your feedback, we've improved our podcast website. There's now a

resources tab that you can click that shows you all the books we've mentioned on our podcast.

Michael Cowen: If you have a Facebook account, please send us a request to join our private group called Trial Lawyer Nation Insider Circle. This exclusive group will allow you to hear about our guests before an episode airs, interact with the show and get a sneak peek at some of the behind the scenes moments. I love to hear from all of you and our table talk episodes are based solely on questions from our fans. So please continue to send us emails at [podcast@triallawyernation.com](mailto:podcast@triallawyernation.com). Thanks for tuning in and I look forward to having you with us next time on Trial Lawyer Nation.

Exit: Each year the law firm of Cowen Rodriguez Peacock pays millions of dollars in co-counsel fees to attorneys nationwide on trucking and company vehicle cases. If you have a case involving death or catastrophic injuries and would like to partner with our firm, please contact us. We have experience finding potential defendants that other firms miss, and we've added millions of dollars to cases by finding these sources of recovery. If you have a catastrophic injury or death case where the policy limits appear to be insufficient, give us a call. If we can find another defendant, we can partner on the case. And if we can't, then we won't ask for any of the fees. You can reach to Delisi Friday by calling (210) 941-1301 or send an email to [podcast@triallawyernation.com](mailto:podcast@triallawyernation.com). She will coordinate a time for Michael Cowen to speak with you in person or by phone to discuss the case in detail.

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