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Review of “Trial Tactics and Methods,” By Robert E. Keeton

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Cyclopedia of Federal Procedure,⁸ *Jurisdiction of the Supreme Court* by Robertson and Kirkham,⁹ and the admirable *Federal Courts and the Federal System* by Professors Hart and Wechsler,¹⁰ which, while designed for student use, has an added usefulness as an attorney's desk-book. Stern and Gressman's *Supreme Court Practice* can hold its own with any of these; indeed, for succinct and clear statement of the jurisdictional law or for helpful and constructive suggestions on the practical side, it need bow to none of the above.

WILLIAM J. HUGHES, JR.†

TRIAL TACTICS AND METHODS. By Robert E. Keeton. New York: Prentice-Hall, Inc., 1954. Pp. xxiv, 438. \$6.65.

This book should be very valuable, if not a "must," for the law student and the inexperienced trial lawyer. It should also be helpful to the more experienced trial lawyer as a reminder of the many factors which should be considered in the preparation and trial of a case. The book examines the tactical aspects of trial methods and the factors which influence the trial lawyer's determination of what particular course of action should be taken in any given case.

The author does not undertake to formulate and prescribe a definite set of rules which, if followed, will produce successful results in the trial of a case. Instead, he recognizes that it may be neither possible nor advisable to use the same tactics in every case; the lawyer who is to try a case must determine for himself the precise avenue of approach which should be utilized in a particular situation. The problems which may arise, and the factors to be taken into consideration with reference to those problems, are discussed in such a way that a specific course of action may suggest itself to the trial lawyer who has reached certain conclusions in regard to his particular case.

Illustrative of the manner in which the book is developed, in the chapter entitled Preparation for Trial the author gives consideration to the various problems which might arise in regard to this particular phase of trial work. In addition to outlining what the trial lawyer should look for when interviewing his client, the author discusses the methods of investigating facts and whether the lawyer should do his own investigating or hire an independent investigator. He considers what should be the content of a statement taken from a witness and whether it should be written or mechanically recorded. Many other matters are discussed in this chapter, including the extent to which evidence supporting an adversary's case should be sought, the advisability of compensating a witness, and the proper procedure which should be employed in taking a deposition.

In another chapter of the book, the author considers the jury as a factor in the trial of a case. He discusses in detail the various problems which arise in the selection of a trial jury, such as the necessity of investigating the jury panel, the questions which should be submitted to the members of the panel, and the use of peremptory challenges. The rest of the chapter is spent examining the problems which may arise in regard to the jury as the trial progresses, and final comment is devoted to the handling of argument before the jury.

Many other considerations are discussed in other parts of the book, and although the subject matter is broken down into many sections examining par-

8. 3d edition, 1951.

9. See note 1 *supra*.

10. Published in 1953.

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ticular points, the various parts of the book are so interrelated that questions treated in one section complement and supplement questions raised in other sections of the book. A case which is prepared and tried with consideration given to the matters which are discussed and suggested in this book should be well prepared and presented, and the inexperienced lawyer who uses this text will become aware of most of the things that the experienced trial lawyer considers in the handling of a particular case.

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