

Tips for Second-Chair Counsel

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[Adapted from “Your First Trial: Understanding the Second-Chair Role,” Michael R. Carey, Esq., American Bar Association, Litigation Section, Summer 2009]

- Know the facts and law thoroughly enough that you can provide first-chair counsel with answers when asked. Prepare checklists for exhibits, key facts, and witness testimony.
- Do not assume that first-chair counsel knows all the facts and law
- Anticipate problems; listen and observe the proceedings and evidence and alert first-chair to any potential problems.
- Observe and assess the potential jurors during voir dire; take note of the panel members’ reactions to opposing counsel.
- Do not fidget during the proceedings.
- Watch and assess reactions by the court, the prosecutor, and the jury to witness testimony; alert first-chair counsel to your observations and any concerns.
- Alert first-chair counsel to any key facts or elements that may have been missed or that may need further development during a witness’ testimony.
- Have necessary exhibits and documents at the ready; the jury will recognize your preparedness, as will the trial court. Your credibility will be enhanced.
- If you have unanswered questions from a witness’ testimony, the jury likely does, too; let first-chair counsel know.
- During breaks be mindful of the potential proximity of jurors and witnesses; prevent your witnesses, your client, and the client’s family and friends from interacting with jurors or witnesses.