

A TEACHING RESOURCE FOR PSYCHIATRY RESIDENTS

VIEW FROM THE JURY BOX:

Clark v. Stover

A Psychiatric Malpractice Mock Trial

MOCK TRIAL COMMENTARY

CLOSING STATEMENTS

Attorney Hammer made an interesting request of the jury – find for the Defense, but if you find for the plaintiff, award a reasonable amount. Hearing inconsistent theories can be jarring, but it is acceptable practice for the defense. Most juries understand the idea of the other side carrying the burden of proof. Pleading inconsistent theories can be devastating for a plaintiff. Plaintiffs should present one, clear theme or theory of a case.

At this point in a trial, there may be another round of settlement negotiations. Often, both sides will employ jury experts. A jury expert observes the jury during trial, noting the jurors' reactions to evidence and witnesses. The jury expert will then inform the attorney so he or she can gauge settlement efforts and predict a likely outcome of the trial.

