

A TEACHING RESOURCE FOR PSYCHIATRY RESIDENTS

VIEW FROM THE JURY BOX:

Clark v. Stover

A Psychiatric Malpractice Mock Trial

The Litigation Process

Opening Statements

Once the jury has been chosen, the trial itself will begin with opening statements by each party's attorney. This is the attorney's first opportunity to present the jury with a description of the case from the perspective of his or her client. The attorney outlines the evidence that she or he expects to present on behalf of the client. The opening statements give the attorney an opportunity to provide the jury with frame of reference for the evidence that will be presented in the case. Parties should not be surprised by the fact that each attorney will be allowed to make very strong statements in his client's favor and against the other party.

RISK MANAGEMENT TIPS

Your presence at trial is critical. Depending upon the circumstance of the particular case, the trial may last from a few days to several weeks. It is important for you to attend the entire trial. Your presence shows the jury you are more concerned about the case than attending to business outside the courtroom. This is generally interpreted positively by a jury.

Remember also that the jury will be watching you the entire time you are in the courtroom and not just while you are on the witness stand. It is imperative that you remain attentive and maintain a professional demeanor.

An attentive defendant can be of great assistance to his or her attorney listening for discrepancies and erroneous statements and suggesting questions for experts.

