

Tom Melsheimer and Justice Craig Smith Discuss “On the Jury Trial: Principles and Practices for Effective Advocacy, Second Edition” in *Texas Lawyer*

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Winston & Strawn partner Tom Melsheimer and Justice Craig Smith have published “On the Jury Trial: Principles and Practices for Effective Advocacy, Second Edition,” a fully revised version of their 2017 bestselling how-to guide designed to help trial lawyers hone their advocacy skills. The second edition reflects on expanded experience and the evolution of modern courtroom advocacy, providing fresh insights on today’s jurors and considers strategies to address the rise of remote legal representation.

In a Q&A with *Texas Lawyer*, Tom and Justice Smith shared the wisdom distilled in the second edition of their book, discussing topics including common mistakes made in opening statements, aspects of trial advocacy they see lawyers struggle with, how jury trials differ across such practice areas, and more.

“Most cases with good lawyers on both sides should settle because, in theory, good lawyers can calibrate risk and advise their clients appropriately. But there are plenty of cases where legal uncertainty or client expectations make settlement unlikely. As Mike Tigar notes about our book, it takes courage to take a case to trial,” they said when asked what advice they would give to young lawyers who may be hesitant to take cases to trial in an era where most disputes settle.

“Seeking advice from our book, other trial advocacy texts, and other experienced trial lawyers can give you the skill, and the courage, to go to trial. That is the ultimate hope of our book—more lawyers with courage to try their cases. Because win or lose, the trial process gives legitimacy to our system of dispute resolution and gives each side the experience of having their day in court,” they continued.

[Read the full Q&A.](#)

[Learn more about “On the Jury Trial: Principles and Practices for Effective Advocacy, Second Edition.”](#)

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