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Book Review

Marc D. Gleisser
Cleveland Plain Dealer

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The essay by Alfred J. Julien regarding the responsibility of the plaintiff's attorney to see to it that any recovery for a personal injury be wisely applied to the plaintiff's rehabilitation and not squandered will do much, if his advice is followed, to dispel the layman's idea that a lawyer is only interested in him as a dollar sign.

A reading of the essays will be beneficial to any lawyer who has any thing to do with personal injury actions either as plaintiff's or defendant's advocate.

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*Reviewed by Marc D. Gleisser**

SUCCESSFUL TECHNIQUES IN THE TRIAL OF CRIMINAL CASES, by Henry B. Rothblatt. Published by Prentice-Hall, Inc., Englewood Cliffs, N. J., 242 pages, 1961.

The neophyte lawyer who has just gotten his first criminal case, or the veteran who rarely appears in the more sordid side of the law, should welcome this volume by a long-time New York practitioner in cases running from disorderly conduct to first-degree murder.

This book, patently a do-it-yourself type of treatise on criminal matters, can act as a big brother to the stumbling beginner or a valuable checklist to the oldster. In admirable simplicity, it recognizes that a lawyer's major task is to win his case and it briskly goes about its business of showing him how to do it.

Among its many virtues is the fact that this book is written in splendidly simple style. The choice of words makes for smooth and easy reading. The short chapters, liberally sprinkled with bold-faced sub-headings which outline the entire project clearly and logically, make it an easy reference work to follow on first reading and to check back on for specific points later. The contents of each chapter are completely outlined on a separate page at the beginning of the chapter, and then carried through the chapter in the sub-headings.

The substance of the book is equally clear. It carries the reader through from the time of the first telephone call when

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he learns his client has been arrested up to the job of the lawyer when that client is being sentenced. It tells the lawyer, step by step, what he can do in court and what he must do to protect the interests of the client on the outside.

But not only does it tell, the book also shows by specific example. For instance, right at the beginning of the trial, the author tells the importance of selecting proper jurors for each specific case. He outlines what responses can be expected from various nationalities, races and religions. He points out individual prejudices. He points out how remarks can be slipped in early during this selection to condition the jury to the defendant's case. Then he gives exact wordings for sixty-five questions that can be used to achieve various desired results.

This technique runs through the entire volume. The chapter on the opening statement to the jury, for example, tells its purpose, warns of pitfalls awaiting the unskilled, tells what to emphasize and then gives the actual text for an ideal opening statement with the blanks to be filled in for the specific case.

The author tells how to cross-examine various witnesses. He pinpoints the strengths and weaknesses in questioning children, women, older persons, the honest witness, the stool pigeon and accomplice, the false or lying witness and others, and tells how to guide them in directions desired by the defense.

He regards the summation, or closing arguments, of great importance and gives it the largest segment. He deals with these in great detail, even to the point of describing where the lawyer should stand in the courtroom, what tone of voice he should use, how to disintegrate the argument of his opponent no matter what it may be, while at the same time making his own something that is a sure winner.

The wrap-up of the book, of course, tells how to set up a charge to the jury which, while technically within the law, pushes the jury into an innocent verdict. In view of all the confidence exuded in the book that ultimate victory is a certainty with these techniques, it seems almost a waste to write the last chapter on sentencing procedures—unless, of course, prosecutors also read this book and develop a counter-offensive.