POST-TRIAL PRACTICE
AND PROCEDURES

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Regardless of their experience, most trial counsel experience a few moments of disquiet just before a verdict is rendered. It’s a time of reflection, during which self-doubt and humility often surface.

There is no way to adequately describe the feeling of satisfaction that comes with a verdict in your favor, or the dark despair that flows from an unfavorable verdict. After years of pretrial discovery, weeks or months of trial preparation and countless sleep-deprived nights during trial, a verdict represents far more than a determination of negligence. A verdict in your favor validates both your trial strategy and your ability as a trial attorney. Conversely, an adverse verdict haunts your subconscious for years, forcing you to languish in self-doubt as you endlessly replay every moment of the trial in search of what went wrong.

Although the importance of the verdict cannot be ignored, a wise practitioner knows that the trial is but one phase of the long civil litigation process. Even before the appellate process begins, the parties may seek various forms of relief from the trial court. The form of the judgment, the amount of interest to be awarded or the offset, if any, to be allowed are examples of the post-trial issues that present counsel with continued opportunities to advance his or her client’s position. Indeed, the party that lost at trial might convince the court to set aside a verdict and direct that judgment be entered in favor of the losing party, leaving the prevailing party at trial to ponder the victory that is no more.

Notwithstanding the endless books and articles available to help the practitioner with trying a civil case to verdict, there is a dearth of materials to assist with the complex issues that may arise after verdict. This book was inspired by the New York State Bar Association’s longstanding commitment to the bench and the bar to fill the void by offering a comprehensive guide for post-trial practice and procedure.

This book was written by successful trial attorneys from across New York State. The willingness of the authors to dedicate their time and talents to this project is greatly appreciated. As editor-in-chief, it has been my distinct honor to work with this talented group of attorneys.

Finally, I wish to express my gratitude to Dan McMahon and the staff at the NYSBA for their kind guidance and support with this project.
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In 2001, Justice Manzanet-Daniels was elected to the New York State Supreme Court, where she presided in the Civil Term until her elevation. In 1999, Judge Manzanet was elected to the Civil Court of the City of New York. Prior to ascending to the bench, she served as law clerk for both Justices Luis A. Gonzalez and Frank Torres (three years respectively). Judge Manzanet-Daniels began her legal career as a criminal defense practitioner for the Legal Aid Society in Bronx County.

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