

# Trial Pros:

## Jackson Lewis' Nadine Abrahams

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[Nadine C. Abrahams](#) is principal and litigation manager of the Chicago office of [Jackson Lewis PC](#). She represents management in employment cases in federal and state courts and before administrative agencies and she is co-leader of the firm's general employment litigation practice group.

Nadine C.  
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Prior to joining Jackson Lewis, Abrahams was a partner with another prominent national labor and employment firm. She previously was senior counsel for the Employment Litigation Division of the City of Chicago Law Department. She has been based in Chicago her entire career and has experience litigating all forms of labor and employment matters throughout the Midwest, in federal courts, state courts and before administrative agencies.

Abrahams practices the spectrum of employment matters, including claims such as race, age, religion, national origin, disability and sex discrimination, sexual harassment, retaliatory discharge and wage and hour issues. Her class action, collective action and multiplaintiff experience includes suits by both private parties and by the [Equal Employment Opportunity Commission](#).

Abrahams also routinely counsels clients on a variety of employment practices, including employment contracts and employee handbooks. She conducts employee training seminars, harassment investigations and frequently speaks on employment-related topics.

### **Q: What's the most interesting trial you've worked on and why?**

A: We represented a hospitality industry client and the director of human resources in a defamation lawsuit brought by a former high-level employee. The employee was accused of having made a death threat towards the director of human resources and was subsequently terminated. He claimed that the director defamed him when she spoke about the threat both internally and externally. The case was very emotionally charged as the director of human resources was genuinely afraid for her safety and also was trying to protect her personal and professional reputation. Because she was so well liked, we had witnesses from the very

highest levels of the publicly traded company fly in to testify on her behalf. We ultimately obtained a defense verdict and many of the jurors hugged our client as they left the courtroom.

**Q: What's the most unexpected or amusing thing you've experienced while working on a trial?**

A: At my first federal court trial, I was in the middle of the cross-examination of the plaintiff's only corroborating witness and felt like I was obtaining damaging admissions. I had reached the crucial issue in the case when my opposing counsel objected. We both waited for what seemed like forever for the judge to rule on the objection but there was silence from the bench. The witness suddenly leaned over from the witness stand and poked the Judge who was sound asleep. After a long pause, the witness said "Your Honor there is an objection." The judge was visibly embarrassed and said that his wife must have substituted decaffeinated coffee for regular coffee. The court reporter read back the question and objection, the judge overruled the objection and the witness answered in a manner favorable to our case.

**Q: What does your trial prep routine consist of?**

A: I start trial preparation by preparing my closing argument and then working backwards to make sure we have thought of a way to get in all the evidence and documents we will need to prove our case. For the key documents and information, I make sure that we have alternative methods for getting in the evidence in the event that a witness may not respond to a subpoena or be unavailable for trial. I then prepare the direct and cross examination questions to make sure that everything we need to prove and tell our story is covered. Ideally, I schedule a preliminary trial preparation session with the key witnesses at least four weeks before trial and then schedule subsequent, more lengthy sessions, with the key witnesses as the trial approaches. As I prepare for trial, I am constantly refining the theme that we will use throughout the case from opening to closing. The theme needs to be something that the jury can readily understand and relate to. Finally, in the week before trial I do a mock opening and closing for a group of nonattorneys and have a follow-up discussion regarding their impressions, questions and conclusions. I use such input to refine the opening.

**Q: If you could give just one piece of advice to a lawyer on the eve of their first trial, what would it be?**

A: Be careful not to talk down to the jurors, while also not speaking in legalese or using obscure terms. I once had jurors complain after a trial that they found it offensive that the opposing counsel kept telling them to “keep their eyes on the ball.” Be yourself and don’t try to emulate someone else’s litigation style. You also should treat all witnesses, including adverse witnesses, with respect. Jurors do not like divisiveness or unnecessary objections. Be sure to spend time in the courtroom in the days before trial to make sure that you are familiar with the courtroom layout and comfortable with the audiovisual electronic system used by the court. Floundering over exhibits doesn’t engender confidence and can easily cause you to lose your concentration. Finally, the jurors are constantly watching what you are doing even during breaks so be aware of your facial expression and body language, especially if a witness has made an unexpected statement or the judge has made a negative ruling.

**Q: Name a trial attorney, outside your own firm, who has impressed you and tell us why.**

A: Maritza Martinez, who was a trial lawyer and is now a judge in Chicago. Maritza has a great level of confidence and comfort in the courtroom. She has an uncanny ability to connect with the jury and tailors her questions and tone based on her reading of the jury. Her cross-examinations are done with surgical precision. She goes in, gets the clean admissions she needs and refrains from asking any more than necessary. Because she is quick on her feet, she can readily adapt to any curve balls thrown her way.

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