

Trial Pros:

Jackson Lewis' John Nolan



Law360, New York (March 28, 2016, 2:07 PM ET) -- [John M. Nolan](#) is the office managing principal and litigation manager of the Philadelphia office of [Jackson Lewis PC](#). He is also the co-head of the firm's general employment litigation practice group. Nolan has been with Jackson Lewis since December 1994. From 2007 through 2012, Nolan was the litigation manager of the Morristown, New Jersey, office. Prior to joining Jackson Lewis, he was an assistant district attorney in New York

Nolan is a trial lawyer, having tried over 85 jury and nonjury trials to verdict. Nolan has been recognized in New Jersey Super Lawyers since 2009 and The Best Lawyers in America since 2013.

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

A: My first felony trial as an assistant district attorney involved a defendant who owned a car repair business and was accused of buying stolen property. His attorney was one of the top defense attorneys in the county. This attorney told me he was going to use my trial as a "warmup" for a major murder trial he would be involved in three months later. He also told me that I should watch him closely, as I might learn something. If he was trying to intimidate me, it worked. Despite that, we had a good case and, after a two week trial, the jury found the defendant guilty. I can still recall the look of surprise on that attorney's face after the jury found his client guilty.

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

A: I had another trial as an assistant district attorney where the defendant was charged with felony theft. His attorney, who was very full of himself, wore very nice/expensive suits and outrageous, garish ties. The trial dragged on and on, and I could see that the jury had had enough of this attorney and his "act." The attorney, however, thought he was really hitting it off with the jury. One morning during the second week of trial, all of the men on the jury came out wearing ties. They were not "nice" ties, or even ties that were in style. Rather, the

jurors had found the ugliest, most out-of-fashion tie they could find and wore them to court that day — some of them making a concerted effort to do so by displaying their ties over sweaters and jackets. The judge came out and immediately called us to side bar. He expressed his concerns to the defense attorney, suggesting that the jury was mocking him. While I agreed, I said nothing. The defense attorney, however, thought it was great; he was convinced he had won over the jury and would get a quick “not guilty” verdict at the end of the trial. He rejected all of the judge’s concerns. He got a quick jury verdict, all right — just not the verdict he wanted or expected.

Q: What does your trial prep routine consist of?

A: I try to be completely ready for trial two to three weeks before the trial actually starts. By that I mean: witnesses have been prepped, all written submissions have been completed, opening statement and drafts of closing arguments have been prepared and direct and cross-examinations of witnesses have been fully outlined. I then spend those weeks before the trial starts fine-tuning everything, practicing my opening statements, refining my outlines for direct and cross-examination and thinking about what I want to do and say during the course of the trial.

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: Always be honest with the jury. Do not oversell your case, make promises that you cannot deliver or misrepresent what the evidence is or what a witness will testify to. If there are problems with your case, admit they exist and provide a reasonable explanation as to why the jury should still find in your client’s favor. Your credibility is key. In a close call, the jury is likely to believe the attorney who has been open and honest throughout the trial, as opposed to the attorney who has misrepresented the evidence and what witnesses will, or have, testified to.

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

A: William Keahon — Suffolk County, New York. Bill Keahon is fearless in the courtroom. His opening statements are terrific — he carefully and methodically lays out the case for the jury in a clear and concise manner. He is one of the best cross-examiners I have ever seen.

And, he has a terrific rapport with the jury. They follow his every word, often nodding their head in agreement as he speaks. He is always prepared for every contingency, which I think leads to him being an outstanding trial attorney.

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