

MAKING LEMONADE OUT OF LEMONS

Trial Strategies for bringing out the good
and dealing with the bad and ugly



Trial Strategy Decisions

1. Jury Trial
2. Court Trial
3. Stipulation to grounds
4. Voluntary Consent
5. Mediation/Negotiation
6. A word about default



Reframing facts

Reframing:

- To change the plans or basic details of a policy or idea
- To look at present, or think of beliefs, ideas relationships in a new or different way
- To change the focus or perspective of a view
- To say something in a different way



Mantras to help organize and reframe the facts

- Indigent: Being poor is expensive...
- Traumatized: Trauma brings drama...
- Marginalized: A person's a person...
- Make mistakes: To err is human...
- Need help: It takes a village...



Conditions of return for Tanya Hess

- Don't use drugs and avoid being around people that use drugs
- Understand mental health needs and diagnosis
- Regular and successful visits with Jay'Den
- Demonstrate an ability and willingness to provide a safe level of care for Jay'Den

Continuing CHIPS Jury Instruction

- Adjudged CHIPS and been out of home for 6 months or longer pursuant to court order?
- Did the County Department of Social Services make a reasonable effort to provide services ordered by the court?
- Has the parent failed to meet the conditions established for the safe return of the child to the parental home?
- Is there a substantial likelihood that the parent will not meet these conditions within the nine-month period following the conclusion of this hearing?



Motion to change the facts

Own the bad facts beyond change and remember...

A photograph of Helen Prejean, a woman with short brown hair and glasses, wearing a light-colored patterned blazer over a white top. She is standing at a wooden podium, holding a microphone in her right hand and gesturing with her left hand near her forehead. The background is dark with some faint text.

People are more than the worst thing they have ever done in their lives.

(Helen Prejean)

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When life hands you lemons don't try to make lemons

Every case has something positive; there is something good to say about every client

Don't get caught up in the lemons and forget the good facts

Use the positive aspects of the case to humanize your client, make them worthy of consideration and compassion



Play for the fumble

After a thorough review of the facts and law sometimes there may be no strong case to present on your client's behalf....DO NOT GIVE UP

Make the petitioner prove the case

Consider an issue or challenge to preserve for appeal



To Conclude...

- Know your facts
- Mantras, Mantras, Mantras
- Reframe the lemons
- Own what you cannot change
- Don't lose sight of the lemonade
- Keep fighting and make your record for appeal

