



# NEGOTIATION SPEECH



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Defender 6th Judicial District



# INTRODUCTION

- YOU
  - TIRED
  - BORED
- YOUR JURY
  - TIRED
  - BORED



# CASES

- 98% NEGOTIATED
- 2% TRIED



# WHY NEGOTIATE

# PROSECUTION

- CASE IS OVERCHARGED
- DON' T WANT TO GO TO TRIAL
- TOO MUCH WORK TO DO
- AFRAID OF LOSING
- MIGHT BE INNOCENT
- PROOF OR WITNESS PROBLEMS
- NO RECORD AND YOU WANT TO GIVE DEFENDANT A BREAK

# DEFENSE

- CASE IS OVERCHARGED
- DON' T WANT TO GO TO TRIAL
- TOO MUCH WORK
- AFRAID OF LOSING
- PROBABLY GUILTY
- PROOF OR WITNESS PROBLEMS
- AN OFFER YOU REGARD AS TOO ATTRACTIVE TO REFUSE

# WHY TRY THE CASE (PROSECUTION)

- DEFENDANT IS GUILTY
- YOU ARE GOING TO WIN
- GUIDLEINE SENTENCE OR HIGHER IS APPROPRIATE



# WHY TRY THE CASE (DEFENSE)

- DEFENDANT IS INNOCENT
- YOU ARE GOING TO WIN
- NO REASON NOT TO--NO ADVANTAGE IN PLEADING

# PHONY REASONS

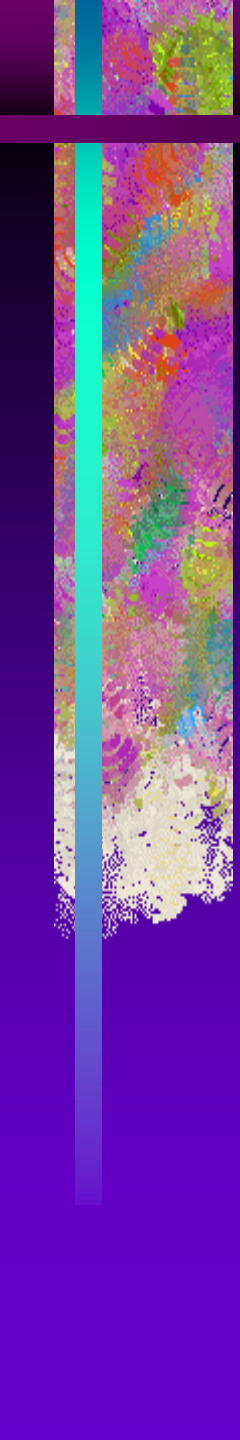
- LET THE JURY DECIDE
- IT' S AN INTERESTING ISSUE
- I NEED TO IMPRESS MY BOSS TO JUSTIFY MY JOB

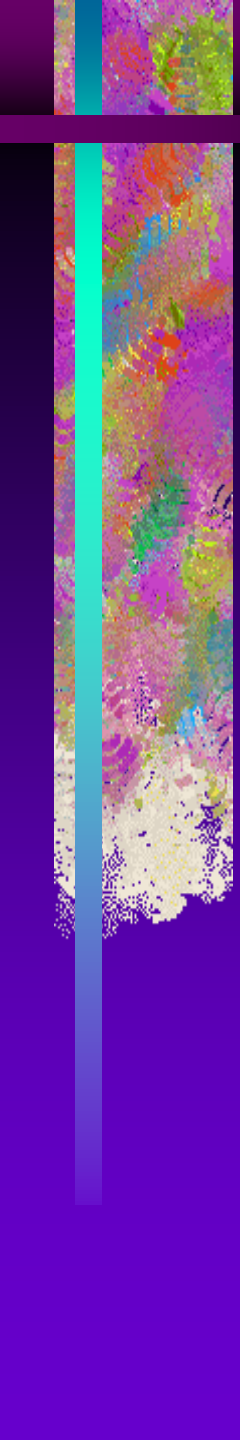
IT'S FUN

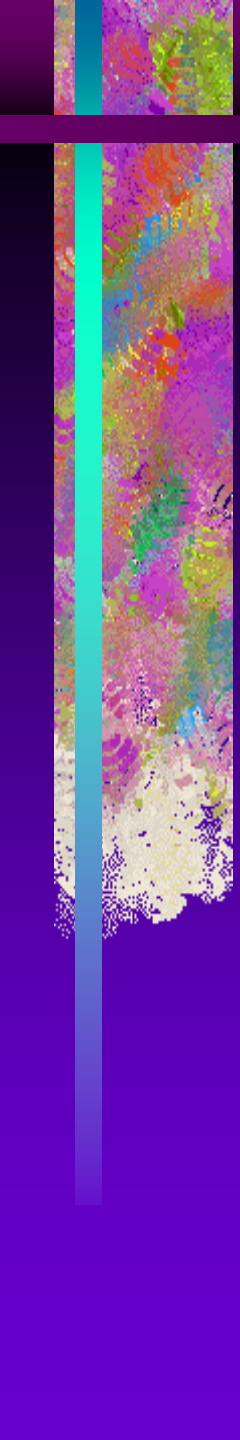




YOU CAN OBTAIN FAVORABLE  
SETTLEMENTS

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- DEVELOPING A TRIAL HISTORY--TRIAL EXPERIENCE
  - DEVELOP A REPUTATION FOR GOING TO TRIAL
  - DEVELOP A REPUTATION OF ACCURATELY ASSESSING WHAT CASES SHOULD NOT BE SETTLED AND WHAT CASES SHOULD
  - BE PERSONABLE

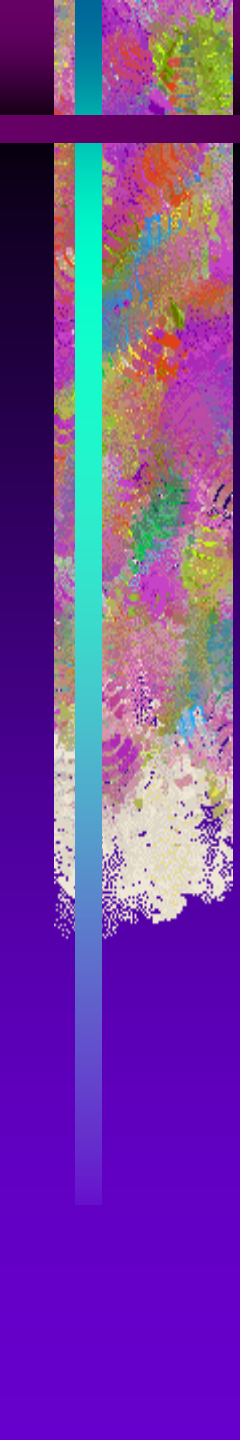
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- KEEP YOUR WORD
  - CONTROL YOUR CLIENT OR VICTIM
  - EASIER IF YOU ARE LOCAL
  - IT IS HARDER TO NEGOTIATE IF THE AMMUNITION IS UNEQUAL
  - DO WHAT IS BEST FOR YOUR CLIENT
  - HAVE A GOOD MEMORY
  - EXPLAIN ALL OFFERS CAREFULLY

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- COMPLIMENT ADVERSARY
  - DO NOT BEG
  - DO NOT BRAG
  - DO NOT ALLOW YOURSELF TO GET PUSHED AROUND BY COURT PERSONNEL, WITNESSES, POLICE, CLIENT' S FAMILY, ETC.



# CONCLUSION



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- YOU HAVE AN IMPORTANT JOB THAT YOU WORKED HARD TO GET
  - DON' T LEAVE IT TO CHANCE
  - FIGURE OUT WHAT IS FAIR

