"Planning is Everything"
Purpose Driven Trial Preparation

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The American system of criminal justice is an adversarial system. As a society, we have determined that the best way to obtain a reliable result in a criminal trial is through an adversarial process.[1] In this adversarial process, the prosecutor and the defense counsel test the strengths and weaknesses of the evidence in the crucible of the courtroom.[2] The trier of fact observes the adversarial contest and passes judgment in the form of a verdict of guilty or not guilty. However, because our system is adversarial, the reliability of the verdict rests heavily on the strength of the advocacy of the opposing counsel.[3] If counsel for either side are incompetent, unprepared, or otherwise fail to zealously advocate for their client, then the result is unreliable and the system fails. Therefore, it is incumbent upon counsel to be equipped to perform at their optimal level every time they set foot in a courtroom.

Preparation is one means to ensure your advocacy meets the standards demanded by our adversarial system. Most cases are decided, not by what is done in the courtroom, but by careful preparation beforehand.[4] Moreover, pre-trial preparation is like Samuel Colt's revolver of Old West fame, it is the "Great Equalizer." If you find yourself outmatched by a more experienced or more talented opponent, preparation provides the means to close that capability gap. Regardless of law school rank, regardless of training opportunities, regardless of courtroom experience, anyone can work hard, and anyone can work harder than their opponent. Famed distance runner Steve Prefontaine, once said: "Somebody may beat me, but they are going to have to bleed to do it."[5] This is the attitude counsel should adopt with regards to trial preparation.

There is no shortage of text and articles dedicated to helping counsel improve their trial advocacy and many of them provide valuable insight and instruction.[6] Unfortunately, few dedicate any meaningful discussion to pre-trial preparation.[7] At best they provide general guidance for organizing a case or assembling a trial notebook. This dearth of specific guidance on pre-trial preparation is understandable because effective trial preparation is very subjective. All counsel are different and each case is different. What works to prepare one counsel in a given case, simply may not work for another. Trial advocacy resources provide a good starting point, but ultimately, each counsel must find a system that works best for him.[8]

Nonetheless, there are certain overarching objectives for trial preparation which benefit every counsel and every case. This article will discuss two of those overarching objectives, clarity and flexibility. This article defines clarity and flexibility in terrns of trial preparation and discusses the benefits of preparation focused on those two objectives. Finally, this article demonstrates how these goals can shape your preparation for three key advocacy tasks: opening statements, cross-examination, and direct examination.

All counsel prepare for trial. It would be impossible, if not unethical, to attempt to try a criminal case without some level of preparation.[9] The real issue is whether counsel are doing the right things, and enough of the right things, to prepare

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[1] Earl J. Silbert et al., *State of the Prosecution: Under Pressure to Catch the Crooks: The Impact of Corporate Privilege Waivers on the Adversarial System*, 43 AM. CRIM. L. REV. 1225 (Summer 2006).

[2] *Id.*; THOMAS A. MAUET, TRIAL TECHNIQUES 483 (7th ed. 2007).

[3] STEVEN LUBET, MODERN TRIAL ADVOCACY: ANALYSIS AND PRACTICE (3d ed. 2004).

[4] Lieutenant Colonel Pete Masterton, *The Defense Function: The Role of the U.S. Army Trial Defense*, ARMY LAW., Mar 2001, at 22.

[5] StevePre.com, Great Quotes from a Great Runner, http://www.stevepre.com/quotes.html (last visited Feb. 10, 2009).

[6] *See, e.g.*, MAUET, *supra* note 2; LUBERT, *supra* note 3; CHARLES H. ROSE, III, FUNDAMENTAL TRIAL ADVOCACY (Thomas-West American Casebook Series 2007).

[7] Mauet is an exception. While his chapter on *Preparation and Trial Strategy* begins with the trite observation that, "[t]he 'secret' to effective trial preparation is no secret at all. Its preparation, preparation, and more preparation!" MAUET, *supra* note 2, at 483. The remainder of the chapter contains some useful suggestions for organizing most aspects of a case. *Id.*

[8] *Id.* at 487.

[9] U.S. DEP'T OF ARMY, REG. 27-26, RULES OF PROFESSIONAL CONDUCT FOR LAWYERS R. 1.1 cmt. (1 May 1992).

effectively. Preparation is not an ends in and of itself. Digging a ditch is certainly hard work, but it is a waste of effort if the ditch serves no purpose. So it is with pre-trial preparation. To fully realize its potential, trial preparation must be guided by a purpose.[10] While that purpose will vary with the specifics of each case, there are two overarching objectives which should drive the preparation in all cases because they benefit every case, regardless of the facts. The objectives are clarity and flexibility.

Clarity is defined as "the quality or state of being clear."[11] For advocates, clarity is the art of conveying key points of fact or law in a coherent, easily retainable fashion.[12] The practical objective of trial advocacy is to convince the trier of fact to accept your version of the case.[13] The trier of fact is much more likely to accept your version of the case if it is presented in a manner that is easy to understand and retain.[14] As such, whether the trier of fact is a judge or a panel, the advocate who organizes his case, questions his witnesses, and presents his arguments in the most clear and logical fashion is best positioned to win over the trier of fact. This is clarity in action.

The value of clarity makes particular sense if you consider the court-martial from the perspective of a panel member. To the panel member, a court-martial can be a confusing thing. Witnesses relay competing versions of events, their testimony is tainted by suggestion of bias and inaccuracy, objections are sustained with the charge that the panel should disregard what they have just heard, and opposing counsel conclude by arguing contrary meaning to the same set of facts. The panel is then besieged with a confusing blizzard of instructions which they are expected to apply to a set of facts they heard over the course of several days. Under these circumstances, the strength of a key argument or the significance of a crucial fact might easily be lost. Clarity is the objective of shaping your case in a manner that ensures the key points are understood, retained, and utilized by the panel.

A closely related and equally important objective of preparation is to promote flexibility. Flexibility is the capacity to successfully adjust to rapidly changing circumstances.[15] It is a trait that is lauded among military leaders.[16] A flexible commander successfully adapts to those inevitable changes on the ground while constantly driving onward towards his objective.[17] When Eisenhower said "[p]lans are nothing, planning is everything,"[18] he recognized the universal truth of operational planning; "[n]o plan survives intact once contact is made."[19] Time spent planning, rehearsing, and internalizing the battlefield gives commanders the flexibility to successfully adjust their plans as the situation develops.

The same is often true of courts-martial. Despite your best efforts, no case will ever go exactly as you have planned it. Human beings are involved on both sides and no one can possibly predict their behavior with 100% accuracy. Witnesses become confused or otherwise testify poorly, unanticipated rulings may limit the admissibility of key evidence. Any number of factors can disrupt the course of a case. If you cannot effectively adapt, the curveballs inherent in any case will muddle your presentation and distract the panel from your objective. Clarity will be overtaken by confusion, which may translate to doubt. To avoid this result, counsel must acquire the flexibility to adjust effectively to the unexpected turns inherent in the adversarial process.

Preparation is essential to ensuring maximum clarity and flexibility. First, thorough preparation allows you to build clarity into every aspect of you case. What you say and how you say it matters every time you speak before to the trier of

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[10] David Broad, *Trial Preparation*, http://www.siskinds.com/content/Articles/Trial_Preparation.pdf (last visited Feb. 10, 2009).

[11] WEBSTER'S TENTH NEW COLLEGIATE DICTIONARY 211 (1999).

[12] Linda L. Morkan, *Clarity is an Absolute for Effective Advocacy*, 48 FOR THE DEFENSE No. 3, at 74–75 (Mar. 2006).

[13] *See, e.g.*, LUBERT, *supra* note 3.

[14] "It makes no sense to communicate if the listeners do not retain the essence of what has been communicated. . . . Trial lawyers need to understand that memory is indeed fleeting, and must use strategies to improve jurors' retention of the key information presented during a trial " MAUET, *supra* note 2, at 20.

[15] WEBSTER'S TENTH NEW COLLEGIATE DICTIONARY 445 (1999).

[16] U.S. DEP'T OF ARMY, FIELD MANUAL 1, THE ARMY para. 3-38 (14 June 2005); U.S. DEP'T OF ARMY, FIELD MANUAL 6-22, ARMY LEADERSHIP: COMPETENT, CONFIDENT, AND AGILE paras. 6-3, 9-11 (12 Oct. 2006); ROBERT S. FROST, THE GROWING IMPERATIVE TO ADOPT "FLEXIBILITY" AS AN AMERICAN PRINCIPLE OF WAR 1–3 (1999) (Strategic Studies Institute, U.S. Army War College); Antulio J. Echevarria, II, *Moltke and the German Military Tradition: His Theories and Legacies*, 26 PARAMETERS NO. 1 (Spring 1996).

[17] *See* U.S. DEP'T OF ARMY, FIELD MANUAL 6-0, MISSION COMMAND: COMMAND AND CONTROL OF ARMY FORCES para. 6-87 (11 Aug. 2003).

[18] Dwight D. Eisenhower Quotes, http://www.brainyquote.com/quotes/quotes/d/dwightdei149111.html (last visited Feb. 10, 2009).

[19] FM 6-0, *supra* note 17, para. 4-46.

fact. You must take the time to choose your words carefully and ensure they convey your themes and key points with absolute clarity. The organization of your case also impacts the clarity of your presentation. You must carefully consider, not just who you call as a witness, but also when you should call them. Likewise you must evaluate your evidence and select the most effective time to present each piece in order to provide the trier of fact with a logical, readily understood, and easily retained version of your case.

Thorough preparation is also essential to developing flexibility. First, preparation is your best opportunity to identify potential problem areas in your case and develop branch plans to respond. Further, thorough preparation relieves some of the stress of otherwise intimidating advocacy tasks, such as argument and cross-examination, leaving you free to focus on addressing new developments as they occur. Most importantly, preparation provides you with the detailed mastery of the facts and law necessary to allow you to adapt to unanticipated changes and readily place them within the context of your case without losing clarity.

The mutually supporting objectives of clarity and flexibility should shape your preparation for all aspects of your case. However, clarity and flexibility offer their greatest potential as counsel prepare for the post-referral phase of the court-martial process. The post-referral phase consists of the preparation of your case for presentation to the trier of fact. Regardless of the facts of your particular case or your personal level of experience, your preparation for trial will benefit from a focus on clarity and flexibility.

The first step towards achieving clarity and flexibility is organization. If information is to be digested and retained, it must be presented in an ordered and logical fashion. A good starting point for preparation in the litigation phase is a simple outline listing all of the events necessary to the execution of your case. Since most cases are preceded by at least a brief R.C.M. 802 session with the military judge, that should be the first item on the outline.[20] There will likely be motions, followed by voir dire, opening statements, witnesses, and so on up through sentencing arguments and instructions. Each of these litigation tasks should be included in your outline in chronological order.[21] Once you have an ordered list of all the tasks you have to plan for, you should begin to fill in the details related to each item on the list using subparagraphs.

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[20] MANUAL FOR COURTS-MARTIAL, UNITED STATES, R.C.M. 802 (2008) [hereinafter MCM].

[21] Your list should look something like this;

A. R.C.M. 802 Sessions

B. Motions

C. Voir Dire

D. Opening Statements

E. Gov't Witnesses

F. Gov't Evidence

G. Defense witnesses

H. Defense Evidence

I. Instructions

J. Gov't Argument

K. Defense Argument

L. Gov't Rebuttal

M. Gov't Sentencing Evidence

N. Gov't Sentencing Witnesses

O. Defense Sentencing Witnesses

P. Defense Sentencing Evidence

Q. Sentencing Instructions

R. Gov't Sentencing Argument

S. Defense Sentencing Argument

Your list will ultimately contain many tasks, each of which is important to the successful presentation of your case. Prepare each task in accordance with the facts and objectives of your particular case, while always keeping an eye towards clarity and flexibility. Rather than discuss each task in detail, the remainder of this article will demonstrate the value of these two points while focusing preparation towards the key litigation tasks of opening statements, cross-examination, and direct examination.

Opening statements are one of the most pivotal events in the presentation of your case. Research suggests that most panel members make up their minds about a case very early on.[22] Likewise, the theory of primacy and recency dictates that a person is most likely to remember what they hear first and what they hear last before making an important decision.[23] Your opening statement covers half of that equation.

Panel members will also use your opening statement as a frame of reference through which they digest the evidence later presented.[24] Witnesses are nervous and do not always make themselves clear. They are subject to cross-examination, which may defuse their impact or distract the panel from important points.[25] Your opening statement is an invaluable opportunity to create a favorable context in which panel members can place the potentially confusing testimony that is soon to follow.[26]

Additionally, the attention span of the average panel member is relatively limited, about twenty minutes at best.[27] Given the critical importance of your first words to the panel and the limited time in which you have to deliver them, it is essential that you choose your words carefully. That is why you must write them out. Develop a theme that is both supportable and easy to remember.[28] Tinker with the language, choose your words to ensure that your key points are both easy to understand and easily retained. Organize your opening statement in a logical fashion that tracks the order in which you will present your case.[29] Identify the potentially confusing aspects of your case and formulate explanations that set them out clearly.[30] Avoid objection by ensuring that you are not arguing, but rather simply stating what the evidence will show.[31] You can best accomplish all of these objectives by writing out your opening statement word for word.

When you have drafted a clear and logically organized opening statement, take the time to memorize and rehearse it. Reading an opening statement or constantly referring to notes detracts from the force of your presentation.[32] Rehearse until you are comfortable with the words, then practice adding emphasis or slowing down at the appropriate points. This will increase the clarity of your presentation. Your comfort and confidence with the facts will also reassure the panel.[33] Additionally, if you have rehearsed and memorized your opening statement, you don't have to worry about it anymore. Having one key part of the presentation of your case sewn up early-on allows you maximum flexibility to deal with any other issues that develop as your case unfolds. The time spent developing your themes and framing key issues will also give you the deep level of understanding of your case necessary to allow you to easily adapt to the unforeseen.

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[22] MAUET, *supra* note 2, at 61.

[23] LAUBERT, *supra* note 3, at 16.

[24] *Id.* at 411.

[25] MAUET, *supra* note 2, at 62.

[26] For example, if you have a witness with a complicated relationship to the facts of the case, you should explain that relationship in your opening. In this example, Ms. Smith is a witness to the robbery of a convenience store. Ms. Smith was not employed by the store but she was close friends with the clerk and spent a considerable amount of time in the store. However, other witnesses presume she is also a clerk. Relatively minor confusions such as this have the potential to slow the pace of your case and clutter other relevant testimony. Therefore, you should clarify the issue in your opening statement. "You will hear from Ms. Samantha Smith, she was often mistaken as an employee of the 7-11 because she spent a lot of time there and often helped out the night clerk, however, she did not actually work there. Ms. Smith will tell you she was in the store at the time of the robbery." This provides an explanation for the testimony of other witnesses who assumed Mrs. Smith was one of the clerks.

[27] MAUET, *supra* note 2, at 19–20.

[28] "Themes are the psychological anchors that jurors instinctively create to distill and summarize what the case is about . . . [g]ood themes are based upon universal truths about people and events we learn during our lives." *Id.* at 62–63.

[29] JAMES W. MCELHANEY, MCELHANEY'S TRIAL NOTEBOOK 126 (ABA 3d. ed. 1994).

[30] *Id.* ("[E]very case has a number of points you must make clear—otherwise the jury may find against you.").

[31] Opening statements state only facts. If you characterize the evidence, draw conclusions, or make pronouncements on the credibility of witnesses, then you are subject to objection for arguing on opening statements. MAUET, *supra* note 2, at 68. The amount of leeway you have depends largely on the military judge. Be familiar with the practice in your jurisdiction and craft your opening to avoid any argument.

[32] ROSE, *supra* note 6, at 56.

[33] MCELHANEY, *supra* note 29, at 127.

The same reasoning applies to preparing cross-examinations. Cross-examination is often referred to as an art. This suggests that success in cross-examination is based upon the inherent gifts of the questioner. This is certainly not the case.[34] Any counsel can conduct an effective cross-examination provided they expend the time and effort to prepare. Such preparation consists of more than just reviewing prior statements and interviewing witnesses. Few counsel are capable of completely freelancing a cross-examination. As with opening statements, successful cross-examinations are developed, question for question, and word for word, in advance of the trial.

The form of the question is extremely important to effective cross-examination.[35] A well-formed question asked on cross forces the witness to provide the answer you want while at the same time allowing you to reinforce central themes of your case.[36] The Rules for Courts-Martial allow counsel to lead on cross-examination.[37] Leading questions are those which suggest an answer and are designed to elicit only a yes or no response. However, not every leading question will elicit the yes or no answer you desire, particularly if the witness wants to avoid that answer.[38] To be successful, you have to word your questions carefully so as to leave the witness no choice but to provide the answer you desire.

In addition to suggesting an answer, the questions you ask on cross-examination also communicate important information to the panel. A yes or no answer is meaningless without context. The counsel asking the questions supplies the context with his or her questions. A good cross-examination is really a series of propositions, which you already know to be true (or false), with which the witness agrees or disagrees.[39] In effect, the counsel is testifying while the witness nods in agreement. Therefore, it is the questions, as much as the answers, which you want the panel to focus upon.[40] That being the case, counsel must ensure that the key points of his or her "testimony" are accurate, well-organized, and easy to understand. There are many techniques, such as looping or using tags, that magnify the effect of cross-examination.[41] You should study and experiment with these techniques to determine if they can enhance the clarity of your cross.

To ensure you are achieving the maximum benefit from your questions, it is important that you write them out in advance.[42] This is not to suggest that you read your prepared questions when the witness is actually on the stand. The best cross-examinations are undertaken with little or no reference to notes.[43] Nonetheless, you should write your questions out to find the best possible wording. Ask whether the question will allow only the answer you desire? What does the content of your questions say to the panel? Have you properly employed cross-examination techniques? Are your questions grouped and organized in the most effective manner to build logically towards your ultimate point? [44] Does each group of questions

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[34] Lieutenant Colonel Bradley J. Huestis, *Cross-Examination by the Numbers*, ARMY LAW., Oct. 2007, at 76.

[35] ROSE, *supra* note 6, at 135.

[36] Heustis, *supra* note 34, at 76.

[37] MCM, *supra* note 20, MIL. R. EVID. 611.

[38] For example, if you want to demonstrate a witness's poor eye sight, simply asking: "You have poor eye sight don't you?" suggests and answer, but may not elicit the answer you want. For starters, your question is actually a conclusion. Conclusions are best left to the panel. Likewise, your witness may be loathe to admit that his eye sight is not good. A better approach would be to interview the witness so you know the answers and then ask:

> "You wear glasses don't you?"
>
> "You wear glasses because you are nearsighted?"
>
> "You have been wearing glasses for fifteen years?"
>
> "And you have had your prescription adjusted three times during those fifteen years"
>
> "That is because your eyes get worse over time?"
>
> "It has been more than three years since you had your prescription adjusted"

[39] ROSE, *supra* note 6, at 122–24.

[40] MCELHANEY, *supra* note 29, at 382 ("*Cross-examination is the art of honest innuendo*.").

[41] ROSE, *supra* note 6, at 122–26, 135. Professor Rose's book contains excellent examples of effective looping.

[42] LUBET, *supra* note 3, at 103.

[43] *Id.*

[44] MCELHANEY, *supra* note 29, at 382 ("If cross-examination can be likened to surgery, then the form of the question is the way the knife is held. But it is the organization of the cross-examination that tells where to make the cut.") There are a variety of rules for organizing a cross-examination such as: enforcing primacy and recency by placing important topics at the beginning and end; saving impeachment questions until after you have elicited all of the necessary favorable information; and revisiting direct only to orient the witness. Heustis, *supra* note 34, at 79.

support a readily identifiable theme? The best way to answer these questions is by developing and studying a draft cross-examination.

Once you have prepared a draft of your questions, you should take the time to plan for the inevitable uncooperative witness. If a witness gives the wrong answer to a particular question how will you steer them back on course or otherwise demonstrate, with clarity, that their answer is wrong or tainted by bias or inaccurate perception? Preparation and practice is the only way to ensure your point will not be lost to the equivocations of a reluctant witness.[45] If you have a prior statement from the witness, you should use it to keep the witness in check. Know the foundation for a prior inconsistent statement, write it out, memorize it, practice it.[46] Highlight the relevant portions of that statement and package it in your trial notebook so that it can be quickly accessed to bring your witness back in line. Undertake the same preparation process for impeachment by omission or any of the other techniques available for managing resistant witnesses.

Preparing your cross-examinations in this manner will give you a greater level of comfort with an otherwise intimidating advocacy task. It will also free you up to deal with the inevitable contingencies. The human dimension ensures that no cross will go exactly according to plan. You must train yourself to develop effectively worded questions on the spot. The more you have practiced, the more time you have spent parsing your words, arranging your questions, and practicing your delivery, the better prepared you will be to adapt your cross with confidence and clarity.

Direct examination is another area upon which you should focus your preparation to develop clarity and flexibility. Direct is the opportunity for your witnesses to favorably tell the story of you case in his or her own words. You want their testimony to be as clear and understandable as possible. Unfortunately, effective direct examination is not an easy task. The Rules require counsel to use open-ended, who, what why, when, where, and how questions on direct.[47] Open ended questions leave the witness free to wander off course. As such, success on direct depends largely on how well the witness responds to your open-ended question. Therefore, it is critical that you draft thoughtful questions and that you prepare your witnesses.

A good practical approach is to begin with a list of the key points you have to get from each witness on direct.[48] Use that list as you interview and rehearse with the witness. Practice stopping the witnesses' narrative responses to inject new, more focused questions. When it comes time for trial, keep the checklist in hand and do not sit down until you have checked off all of the key points on the list.

Great care should also go into the questions you ask on direct. If you slip up and use leading questions, opposing counsel can object. Objections undermine clarity by delaying and confusing the presentation of information. They may also cause the panel to question the credibility of counsel. To avoid objection, you must practice using non-leading questions. Your non-leading questions should be drafted to add clarity to your case. Again, wording is important. Draft and redraft you questions until you are comfortable phrasing questions so that they point the witness in the right direction without suggesting an answer.[49]

Inevitably, you will encounter situations where a witness on direct does not provide the desired answer. Practice and preparation are the best means to ensure you can continue to prod the witness without using leading questions. Redirect presents a similar challenge. Depending upon the strength of your opponent's cross, you may be required to get very specific rehabilitative information from a witness. You may be tempted to use leading questions, however, if opposing counsel is paying attention you will draw an objection.[50] Instead, you have to plan for redirect in advance and develop non-leading questions designed to elicit the necessary rehabilitative information.

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[45] Professor Rose suggests that counsel "develop a toolbox of control techniques" for dealing with difficult witnesses. ROSE, *supra* note 6, at 129. Create and practice a few universal responses to steer a witness back under your control. *Id.* Think of prior statements as anchors which fix the witness to a particular position that benefits your case. The standard foundations for prior consistent and inconsistent statements are the chains you use to link the witness inextricably to the anchor of his prior statement.

[46] *See* MAUET, *supra* note 2, at 285–97.

[47] MCM, *supra* note 20, MIL. R. EVID. 611.

[48] MCELHANEY, *supra* note 29, at 10.

[49] LUBET, *supra* note 3, at 65–76.

[50] In more than ten years of observing and participating in courts-martial and advocacy exercises, I have consistently seen counsel fall into the trap of using leading questions on redirect. Consistently, opposing counsel inexplicably fail to object.

If you are using exhibits or offering physical evidence, then you must prepare with a view towards clarity and flexibility. Your exhibits should convey your point clearly to the panel. They must also be easy to use and understand for the sponsoring witness. Ensure that your question encompass all of the foundational elements necessary for the exhibit or piece of evidence. Practice with the witness. Make sure they understand how to use the exhibit.

Finally, you should remember that whatever is done with the exhibit or piece of evidence in the courtroom must be described for the record by counsel. That is, whenever a witness marks on an exhibit or makes a demonstration with a piece of evidence, the witness's actions must be placed on the record. Therefore, you should practice describing a witness's actions for the record. Nothing is more frustrating than watching unprepared counsel's awkward attempt to describe something into the record. Don't risk your key point being lost as you struggle to describe something for the record. Incorporate this obligation into your preparation for the rest of your direct.

Thorough preparation for direct allows you to build clarity into this key aspect of your case. Rehearsing with witnesses and preparing your examination in advance ensures your witnesses convey the correct information in a retainable manner. Detailed preparation of the form of your questions will also improve your flexibility by training your brain to form appropriate questions. This will allow you to effectively adapt and add new questions to deal with redirect or witnesses who are somehow thrown off-track.

Although it is time consuming and may even seem tedious, thorough preparation is an essential obligation of counsel in an adversarial system. Remember that preparation is the one aspect of your case that you control completely. It is also a tool that can help you overcome almost any disadvantage you may face as an advocate. The benefits of preparation are limited only by your capacity to utilize it. Understand that regardless of the specific objectives of your case, all preparation should focus on building clarity and flexibility. Constantly refer to these mutually supporting objectives as you prepare for each phase of the court-martial process. The quality of your advocacy is certain to improve and you are much more likely to receive a favorable result, Most importantly, remember that only results derived from the zealous advocacy of thoroughly prepared counsel are fit to wear the title of justice in our adversarial system. Win, lose, or draw, the strength of your effort validates the result.