

## PREFACE TO THE SECOND EDITION

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We've learned a lot in the five years since the first edition of this book was published. We've continued to try cases using the Rules of the Road, of course, and those experiences inform this edition. We've also taught seminars on Rules of the Road, which have allowed us to see where problems arise for lawyers using these methods for the first time.

More important, we've been the beneficiaries of hundreds of comments and suggestions from lawyers around the country, generously sharing their experiences with us, for which we are grateful. Many of their ideas show up in this edition.

Like those of countless other plaintiff's lawyers, our ideas have been picked up, polished, and refined by one of the great legal tacticians of our age, David Ball. Ball picked up an early copy of *Rules of the Road* and ran so fast we often lost sight of him. He immediately understood the power of this approach and brought his own energy and creativity to improving it. He saw things we did not and knew how to teach things we had trouble articulating.

In chapter 3, we have clarified the definition of an effective "Rule of the Road," and have explained the key distinction between Rules and principles. We also have new chapters:

- ◆ Chapter 5, "Why Rules and Principles Need to Be Kept Distinct" expands this discussion of why rules and principles need to be kept separate.
- ◆ Chapter 9, "Troubleshooting Your Rules" is intended to help both beginners and advanced students of the Rules system hone their case rules down to the most powerful set.
- ◆ Chapter 10, "Fitting the Rules into Your Case Story" talks about the interplay between case themes and rules, and how an effective set of rules can enhance a case theme.

- ◆ Chapter 11, “A Special Problem: Rules of the Road in Automobile Cases” explains the role of Rules in automobile cases, where the use of the Rules system can backfire if not used adroitly.
- ◆ Chapter 14, “Motions *In Limine* About the Rules” and appendix L, “Response to Motion *In Limine*” discuss motions *in limine* about the rules themselves.
- ◆ Chapter 15, “*Voir Dire*” discusses using the rules in *voir dire*.
- ◆ Appendix M, “Samples of Rules in Different Types of Cases” will hopefully stimulate the creative process in our readers.

Throughout the book, we offer new examples that we hope will make points clearer and show the varieties of settings where our approach can be used.

We continue to believe what we said in the first edition: If properly executed—and if you have a meritorious case—there is no defense to the Rules of the Road approach. We hope this second edition helps you win the cases that deserve to be won.