[1]Motions in limine are essential to address problem evidence, or evidence that is controversial between the litigants, as well as evidence that injects undue bias and prejudice into the case, or where the probative value of the evidence is outweighed by its prejudicial effect. In order to preserve the point on appeal, if a ruling on a motion in limine is adverse to the opponent of the evidence being admitted, another objection must be made at trial when the evidence is admitted. Likewise, evidence excluded as a result of a motion in limine will require the proponent of the evidence to make a proper offer of proof to preserve the issue on appeal.

[2]Trial briefs are always welcomed by trial judges. Some courts will even require a pre-trial brief. Preparing and filing a trial brief is an opportunity to educate and otherwise inform the court on the facts and the laws of your case, potential legal and evidentiary issues, and to set up a compelling persuasive narrative. The brief should be concise and quickly understandable, not complicated, convoluted, or labored. Since the trial judge's time is limited, you need to get your points across in an overall summary (similar to an opening statement) including a recitation of the most important evidence that supports your case. Citations of legal authority supporting your position need to be included, and legal issues not covered in any motions in limine should also be discussed, but again, you need to be concise, direct, and to the point. Your conclusion should advocate the outcome you are seeking based on the facts, evidence and legal authority. The format of the trial brief is the choice of each attorney. The trial brief should not seek to "brief" every issue or contain all the evidence.

[3]There is extensive case law and legal literature discussing issues, techniques, and theories relating to voir dire. The process can be subtle and complex but is vital to a litigant's case. Size limitations preclude a meaningful discussion here but it suffices to say that many skilled and seasoned lawyers believe that the case is well on its way to having been decided by the jurors once voir dire is complete.

[4]The Missouri Supreme Court held in *Zabol v. Lasky*, 498 S.W.2d 550, 554 (Mo. banc 1973), that a directed verdict may be entered following a proponent's opening statement "wherein the facts recited in the opening statement, if proved, do not as a matter of law, constitute enough to make a submissive case to go to the jury." However, "Counsel is permitted considerable latitude in making an opening statement, both as to what he says or what he does not say. The opening statement is not intended to contain all, or even a major part, of Plaintiff's case, and he is not confined in his presentation of evidence to the proof of facts recorded therein." *Id.* Counsel is permitted, following a motion for directed verdict after opening statement, an opportunity to correct or add to the opening statement. *Intertel v. Sedgwick Claims Management*, 204 S.W.3d 183, 201 (Mo.App. E.D. 2006).

[5]A sampling of case law on closing argument: error to allow Plaintiff to ask for a specific amount of total damages for the first time in the final portion of his closing argument, *Tune v. Synergy Gas Corporation*, 883 S.W.2d 10, 20 (Mo. banc 1994); failure to firmly object to matters not in evidence during cross examination waived any subsequent objection to the non-admitted evidence during closing argument, *Coats v. Hickman*, 11 S.W.3d 798, 804 (Mo.App. W.D. 1999); counsel is given wide latitude to suggest inferences in the evidence in closing argument, even if the suggested inferences drawn are illogical or erroneous, *Moore v. Missouri Pacific R. Co.*, 825 S.W.2d 839, 844 (Mo. banc. 1992); no error in replaying a video tape admitted into evidence during closing argument, *Powderly v. South County Anesthesia Associates, LTD.*, 245 S.W.3d 267, 272 (Mo.App. E.D. 2008); proper to use demonstrative or graphic aids that are not admitted evidence in closing if done to illustrate a point based on the evidence but not in such a way as to suggest it is evidence or cause confusion, *Friend v. Yokohama Tire Corp.*, 904 S.W.2d 575, 589 (Mo.App. S.D. 1995); not proper to appeal to jury sympathy because of poverty or lack of insurance or suggest liability insurance in the matter, *Collins v. Nelson*, 410 S.W.2d 570, 577 (Mo.App. Spr.D. 1965); comments or remarks appealing to or creating bias or prejudice improper, *Delaporte v. Robey Bldg. Supply. Inc.*, 812 S.W.2d 526, 537 (Mo.App. E.D. 1991); adverse inference argument for failure to call a witness not equally available to both parties is allowable, and prejudicial error for the trial court to prevent, *Simpson v. Johnson's Amaco Food Shop, Inc.*, 36 S.W.3d 775, 777-78 (Mo.App. E.D. 2001); argument that employer was "more concerned about their profits than they were about safety" was within counsel's latitude and discretion to argue. *Burrows v. Union Pacific R. Co.*, 218 S.W.3d 527, 535 (Mo. App. E.D. 2007).