Tick, Tock: Maximizing The Clock, Regardless Of Trial Length

By **Clint Townson** (February 17, 2026)

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A near-constant tug-of-war seems to exist between judges who want to keep their docket moving and attorneys asking for more time to try their case.

For instance, in December, the U.S. District Court for the Southern District of New York urged the parties in U.S. v. Live Nation Entertainment Inc. to limit the trial to no more than five weeks, though the government had requested eight weeks.

The month prior, the U.S. District Court for the District of Columbia in Federal Trade Commission v. Meta Platforms Inc. noted that, in the five years since the FTC first sued Meta over allegations that it ran an illegal monopoly,

the rapids of social media rush[ed] along so fast that the Court has never even stepped into the same case twice. It considered motions to dismiss in 2021 and 2022, motions for summary judgment in 2024, and a full merits trial this year. Each time it examined Meta's apps, they had changed. The competitors had, too.

This is a tension most trial lawyers have faced in their careers, forcing them to confront the age-old question of how to fit a quart into a pint pot. The trial team is left staring down stacks of evidence boxes and a whiteboard full of witnesses to squeeze into a limited time frame.

However, there are often instances where trial lawyers find themselves on the other end of the negotiation: asking for substantially less time than opposing counsel, and the fairness-minded judge splits the difference. The side that gets more time than they expected must then confront the opposite issue: How do you maximize the time the judge has allotted you without boring jurors or unnecessarily running the clock?

Each of these scenarios have their advantages and disadvantages. Trial lawyers who leverage those advantages and attenuate the disadvantages will often find themselves earning the attentiveness of jurors and the respect of a judge who feels the time is being used efficiently. Having less time or more time than expected ultimately may be less important than having a firm understanding of the implications.

Strategies and Considerations for Shortened Trials

When judges force the sides to use a chess clock, it often behooves counsel to take the analogy literally: Have someone on the team with a stopwatch tracking the time spent with each witness.

This may benefit the team as the trial drags on. The "time budget" adjustments toward the end of trial become more accurate, and it keeps the team focused on efficiency. Being reckless with one's time — e.g., using one's entire allotment of time prior to a given witness taking the stand — may result in counsel having to decline or limit cross-examination.

Most trial teams are familiar with assembling time budgets for witnesses, but the exercise

may be taken one step further when the time is especially limited. In assessing the totality of the case and the story told during opening, consider how each witness contributes to that story. Identify the essence of their testimony: What's the one thing jurors need to take away from that person?

Getting to that message quickly not only minimizes the time burned on a witness, but it also leverages jurors' attention span to understand what is most critical about a given person in the case.[1]

Similarly, attorneys often feel exasperated by being limited in opening and closing, thus attempting to tell their story in a mere 20 or 30 minutes. But such a limit can be a true benefit, as the trial team is then forced to examine its core message.

One exercise that can prove useful is to elevator-pitch your case — restrict yourself to the absolute extreme, and then slowly add piece by piece. Indeed, this is how trial themes can emerge: What is this case about in a single phrase? In one sentence? In four sentences? In five paragraphs? And so on, until you've expanded your core story into a 20-minute time limitation, rather than trying to compress a sweeping story into the same limitation.[2]

A historical example from the courtroom is the famous "Soiled Dove Plea" delivered by Temple Lea Houston in his 1899 defense of someone charged with prostitution in Oklahoma. Considered by many to be the perfect closing argument, it is less than 1,000 words, which were delivered extemporaneously.[3] Houston's brief statement not only moved the jury to tears, but led to an acquittal of his client in mere minutes.

Another major implication of a shorter trial duration concerns the jurors who will actually serve and decide the case. A trial duration lasting just several days up to a week or two typically means that very few jurors will have a genuine hardship for dismissal. Some courts are even moving away from granting financial hardships for the majority of their shorter cases, as employers are increasingly expected to pay employees fully for short jury service.[4]

Beyond financial hardships, many judges will press jurors to reach stopgap solutions for child care or other hardships. And, because the window of time is substantially smaller, fewer jurors will have scheduling conflicts that typically warrant automatic excusal, like prepaid vacations and doctor's appointments.

The net outcome is that often, a shorter trial means a more heterogeneous jury pool available to serve. That variety could be helpful or harmful depending on the details of your case and the corresponding jury profile. For instance, in a personal injury case, the plaintiff might be aided by fewer hardship appeals, while a defendant might be forced to use their strikes more diligently with a more heterogeneous pool.

Notably, many of the strategies one leverages in a shorter trial can still be applied in a lengthy trial. A concise opening may have equal power in a long trial through its emotional and thematic directness, as Houston found in his trial.

One could also imagine an instance where a succinct opening could be singularly influential if it is reserved on the defense side: On the heels of a meandering plaintiff's case, the defense stands up to offer a powerful and brief statement to refocus jurors.

Strategies and Considerations for Longer Trials

Of course, having more time for openings, closings and witnesses also affords counsel greater flexibility in how their case can be presented. Multiple theories of a case can be put forth, and the trial story could take on a chapter format, rather than a straightforward and linear narrative. The trial team may have more creative freedom with regard to the order in which witnesses are called.

In general, counsel tend to have far more latitude on how to assemble a case presentation when the judge has measured the trial calendar in weeks rather than days.

The creative devices that are utilized in short trials may also have increased power, allowing trial themes to be woven throughout days of testimony and core messages to be repeated across witnesses. Jurors hear the same pithy phrase uttered by the attorneys in opening statements and by percipient witnesses and experts. One could readily imagine a "profits above safety" theme being reiterated by both the plaintiff's attorneys and their witnesses in a tort matter.

Indeed, those common organizational threads may be crucial for jurors' decision-making in deliberations: Rather than leaving jurors to figure out where to begin in a daunting morass of evidence, the trial team can provide them with a road map for how to reach a favorable verdict. In essence, trial themes become guideposts for how to sift through the evidence presented over the course of a month or more.

There is, however, another edge to the sword in terms of juror comprehension — long trials mean that jurors are likely to get bored. More trial days mean there is a greater likelihood that the jurors' attentiveness wanes, particularly toward the end of the week.[5] They may tune out the expert witness who spends several days attempting to educate them in detail about a very technical topic.

However, a longer trial also means skilled counsel can find more moments to break jurors out from these doldrums through the effective use and strategic spacing of visuals and demonstratives. For instance, perhaps an attorney breaks out an overhead projector to actively mark up a graphic for the first time in Week 3, renewing jurors' interest. Or maybe the expert pairs technical testimony with an engaging animation that causes jurors to lean forward in their seats.

Recognizing that jurors in longer cases more easily fall into inattentiveness presents an opportunity to creatively draw them back for your most critical arguments and provide memorable moments to shape deliberations.

Of course, the makeup of the jury panel itself can also be affected by the duration of trial. As Georgia v. Eppinger, the criminal racketeering case against rapper Young Thug and his co-defendants in Fulton County Superior Court, aptly illustrated in 2023, longer trial durations can strain the jury selection process to its breaking point.[6] In part because the trial was expected to last six to nine months, it took 10 months to seat a panel of jurors.

Financial hardships can mount for those who aren't public employees, child care hardships become daunting and the number of scheduling conflicts can skyrocket.

This is a key consideration for attorneys weighing how much time they truly need to try their case. If you're asking for an extra few weeks, the consequence is that you may have a much more homogenous jury pool of retirees and public employees. In some instances, this

might be beneficial, but in other cases, it might mean you lose a substantial number of favorable jurors immediately through hardship.

For instance, a corporate defendant in an elderly care case might be harmed if the jurors who are actually able to serve on a multiweek trial are mostly retirees, who may be able to empathize more deeply with the plaintiff.

Conclusion

In the end, regardless of whether the judge grants a short or long trial, some factors remain universally important. Themes are always key, but how you use them might change. Preplanning witness examinations is a good practice for all trial teams, but you might have to adapt the order and points of emphasis.

The best trial lawyers understand how to not only budget their time but also how to maximize it, regardless of whether they have hours or weeks available to them.

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[1] Simon, Alexander J., Courtney L. Gallen, David A. Ziegler, Jyoti Mishra, Elysa J. Marco, Joaquin A. Anguera, and Adam Gazzaley. "Quantifying attention span across the lifespan."Frontiers in Cognition2 (2023): 1207428.

[2] Arguably the most famous historical example of this is Abraham Lincoln's Gettysburg address: while his two-minute speech is chiseled nearly word-for-word into the collective memory, few know anything about the two-hour speech that preceded his.

[3] See "The Soiled Dove Plea." Oklahoma Today, December 2011, Volume 61.

[4] See United States District Court for the District of Massachusetts. "Message to Employers – Jury Duty." https://www.mad.uscourts.gov/jurors/message-to-employers.htm. Accessed January 16, 2026.

[5] https://www.law360.com/employment-authority/articles/1506065/thinking-strategically-about-the-weekend-s-impact-on-jurors.

[6] https://www.law360.com/articles/1690726/young-thug-trial-illustrates-system-s-strain-on-jurors.