

The background of the cover features a stylized American flag with red and white stripes and a blue field with white stars. In the foreground, a wooden gavel is positioned diagonally, with its head resting on a wooden surface. The gavel is rendered in a semi-transparent, light brown color, allowing the flag's colors to be seen through it.

COMPENDIUM OF LITIGATION EXPERIENCE

A LITIGATOR'S HOW-TO
GUIDE TO LITIGATION

PrimeCOLE

Brian "BT" Thompson

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To Tom, Mom, and Don ...

... and KT, AJ, and Z ...

... and to Jen, Kate, Gerald, Jeremy, Brent, Grethe, Kirk,
Tom, Ben, Adam, Jason's, Ben, Joe, Brian, Matt, Josh's,
Mary's, Sarah, Jacob, Shawn, Jeff, Mark, Rebecca, Brad,
Trent, Rachel, Stephanie, Dane, Pete, Eric ...

... and to all other JAGs, and former JAGs, young and old,
who were in the trenches with me, and who are there now,
fighting the good fight every day for not nearly enough
recognition. Thanks!

WORDS TO LIVE BY

Every JAG a Litigator – Any Case, Any Place, Any Time

- PrimeCOLE

It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly; who errs and comes short again and again; because there is not effort without error and shortcomings; but who does actually strive to do the deed; who knows the great enthusiasm, the great devotion, who spends himself in a worthy cause, who at the best knows in the end the triumph of high achievement and who at the worst, if he fails, at least he fails while daring greatly. So that his place shall never be with those cold and timid souls who know neither victory nor defeat.

- President Theodore “Teddy” Roosevelt

Far better it is to dare mighty things, to win glorious triumphs, even though checkered by failure ... than to rank with those poor spirits who neither enjoy much nor suffer much, because they live in a gray twilight that knows not victory nor defeat

- President Theodore “Teddy” Roosevelt

To each there comes in their lifetime a special moment when they are figuratively tapped on the shoulder and offered the chance to do a very special thing, unique to them and fitted to their talents.

What a tragedy if that moment finds them unprepared or unqualified for that which could have been their finest moment.

- Sir Winston Churchill

FORWARD



As a litigator journeys towards the end of his or her in-court career, when more time is spent reminiscing about glorious courtroom battles than engaging in them, developing the next generation of courtroom litigators is of paramount importance. Yes, the “youngs” need to learn their lessons the same way we did—in celebrated battle, suffering the scars of defeat and occasional humiliation, while winning prestige on the backs of the triumphant. But rather than let them repeat our simplest of mistakes, let us set at least a few of them—the chosen few—on the path to outdo the “olds.”

Let us give them the secrets to early success as a litigator. We have all seen young trial counsel make the same simple mistakes over and over again, just like we did. And we have likely given the same advice in feedback sessions over and over again on every aspect of trial litigation. Your advice may be different, but what follows is my “script,” **the PrimeCOLE method**, repeated over and over to countless bright-eyed “youngs,” with a few “war stories” thrown in to drive home the points.

KEY



⚠️⚠️⚠️ Warning, war-story (read with a grain of salt nearby)



Key point—if there were to be a test (“Is there going to be a test,” you ask ... “Maybe,” I answer), you might have highlighted this part. All pull-quotes are key points as well

NOTES

(1) **PrimeCOLE** made every attempt to be gender nonspecific in pronoun choice throughout as an individual’s potential to be a successful litigator is not gender specific. Some of the quotes reproduced throughout the Compendium are from generations past when this obvious sentiment was not as widely shared—the overall message of the quotes ring true, though any exclusionary gender references do not.

(2) Though the discussions in this Compendium are tilted towards prosecution, the skills sought to be developed apply regardless of a litigator’s trial role. As junior counsel in the military are most junior when they first start out, and as they first start out as prosecutors, the focus on prosecution made the most sense. I love my defense counsel brothers and sisters, with whom I use to toil together, so no disrespect meant by the prosecutorial bent of the Compendium. Plus, you all like to keep your secrets, tactics and strategies close to the vest.

ABOUT THE AUTHOR



PrimeCOLE is the pseudonym for Colonel Brian “BT” Thompson, a former civilian and senior Air Force litigator. In addition to stints working with the Metropolitan and Federal Public Defenders (Portland, Oregon), **PrimeCOLE** practiced civil law for six years, litigating dozens of trials in the practice areas of international business and corporate transactions, admiralty, and banking. **PrimeCOLE** is a veteran military litigator of more than 140 courts-martial as a junior trial and defense counsel, senior defense and chief senior trial counsel, and even one while serving as a wing staff judge advocate (not at his assigned installation). He has prosecuted (and defended) service members and a war-crimes detainee in cases ranging from AWOL to premeditated murder to capital murder, and has taught litigation skills at the Air Force Judge Advocate School and in numerous joint environments. He is the founder of the “**Center of Litigation Excellence**,” which is more of an ideal than an entity and which resides primarily in his head. You can reach him for questions, comments, insults, or to book a personal appearance at primeCOLE@gmail.com

The views expressed in this Compendium are those of the author and do not necessarily reflect the official policy or position of the U.S. Air Force, U.S. Air Force Judge Advocate General Corps, Department of Defense, or the U.S. Government. At all.

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