

PRACTICE TIP SHEET

Trial Checklists

I like checklists, don't you? Especially in a project, such as a trial or arbitration, where there are so many details to attend to, I find I can't survive without a checklist. I've had a number of versions over the years; here is a recent iteration. Do you have any items to add?

Deadlines

- Review all Court Rules, Local Rules, and Standing Orders or Pretrial Orders issued by your Judge
- Calendar all deadlines for submitting all required pre-trial materials

Materials Lodged or Filed with the Court

- Jury fees, if applicable
- Joint Pretrial Statement (federal court)
- Exhibit list and objections
- Witness list
- Deposition designations, counter-designations, and objections
- Discovery response designations, counter-designations, and objections
- Original deposition transcripts, if applicable
- Trial briefs on disputed issues of law, if required by Court
- Motions *in limine*, oppositions
- Proposed *voir dire* questions (joint or separate, as required by Court)
- Proposed jury instructions and verdict forms (joint or separate, as required by Court)

Organization of Prep Materials

- Identify who will be drafting each motion, brief or document
- Coordinate with each drafter about cite checking and exhibits
- Assign paralegal staff to each document, as appropriate
- Prepare trial notebooks or electronic files for attorney team

Presentation and Visuals

- Contract with trial presentation vendor, if applicable
- Prepare demonstrative exhibits
- Prepare slides for opening and closing arguments

Witnesses

- Prepare witness files with deposition transcripts, declarations, direct or cross examination outlines, trial exhibits, designations, and other useful information
- Draft proposed schedule for testimony of each fact and expert witness
- Schedule trial preparation meetings with witnesses
- Prepare and serve trial subpoenas or notices to attend trial

Exhibits

- Prepare premarked trial exhibits in paper or electronic formats as required by Court
- Prepare chart of proposed trial exhibits identifying sponsoring witness and date marked for identification and date admitted

Courtroom and Travel Logistics

- Determine courtroom setup - size and lay-out, availability of court reporter, real time, wi-fi, projector screen or monitors, document camera, procedures for use of electronics
- Gather courtroom supplies (electronic equipment, cables, electronic files with backup, notepads, pens/pencils, markers, labels, file folders, etc.)
- War room arrangements, if applicable
- Arrange for transport of all trial and war room materials to courtroom and war room
- Any special arrangements needed for travel, hotel rooms, meals

What's on your trial checklist?