

Trial Checklist

Witnesses:

- 1) Make sure the witnesses are aware of trial date and purpose by phone, letter or email and go over the timeline of the trial (when they will be needed, for how long, whether there is a likelihood of delay in their testimony, etc.)
- 2) Make sure subpoenas for witnesses are issued.
- 3) Make arrangements for out-of-town witnesses (transportation and accommodation).
- 4) Obtain copies of criminal records of each witness.
- 5) MEET WITH YOUR WITNESSES!!! and provide witnesses with chance to review exhibits (images, documents, records, transcripts)

Civilian witnesses:

- Give/show copies of statements to witnesses so that they can review in a reasonable amount of time.
- Where practical, have someone else present at meetings to ensure no dispute on what was discussed, especially with less-than-cooperative witnesses.
- Determine any scheduling conflicts.

Law Enforcement:

- Confirm officers have access to their reports and/or notes and that they review and bring all their materials with them.
- Confirm officers remember the information contained in their reports.

Expert witnesses:

- Meet with expert at least once to review opinions / familiarize yourself with technical issues.
- Verify with expert the field of expertise being sought for qualification.
- Go over with expert the basis for contrary opinions and how you are going to handle cross examination of opposing side's experts.

Special/vulnerable witnesses:

- If the witness is a child or other vulnerable witness, arrange for multiple meetings in the months before to gain comfort with the child/vulnerable witness and establish rapport.
- Determine what legal issues exist that might need to be fleshed out beforehand and what notices/hearings must be done prior to the trial date.
- If one is necessary, make sure there is an interpreter for meetings and court in order to be able to speak to the witness or victim beforehand (if court is arranging, be sure they have done so).

Organization

- 1) Review the charging document—make sure it's correct!
- 2) Review all discovery—make sure that everything has been sent out that needs to be sent. Nothing worse than having to conduct Richardson inquiries and running the risk of evidence being excluded because we neglected to disclose it.
- 3) Review all records, documents and real evidence that may be put to each witness and determine whether they should be admitted as exhibits or just as demonstrative aids.
 - Consider how each can be authenticated.
 - Consider and determine through whom they will be admitted.
 - Determine any problems with admissibility.
- 4) Consider making an exhibit book/trial book, organized by witness or as one large book (see below)
- 5) Make an exhibit list, marking out the exhibit, the witness through whom you intend to introduce the exhibit, the number provided by the Clerk for identification, and the number provided by the Clerk for the item in evidence.

Trial Book/Trial Prep List

- 1) Checklist of information to put on the record prior to the commencement of trial (e.g. agreement of facts, stipulations, non-contested issues, time estimations, etc.)
- 2) Checklist of motions to be heard prior to the commencement of trial, especially motions in limine!
- 3) Checklist of notices that need to be filed, and a schedule of dates they need to be filed by.

- 4) Catalogue of supporting case law that you reasonably envision will come up during the trial, and the standard caselaw just in case.
- 5) List of witnesses with synopsis of their relevant evidence.
- 6) Outline of proof for each charge, connection with each witness and exhibit.
- 7) Examination outlines for each witness.
- 8) Voir dire questions—write out your voir dire points.
 - Seating charts—each judge has a different setup.
 - Seating chart for you to use to keep track of the venire.
- 9) Opening/closing outline.

Court Presentation

- 1) Test the technology! Examine technology setup and test to ensure it is working properly and that you know how to use it.
- 2) Verify all exhibits and trial material are present and ready to be presented.
- 3) Make sure any enlargements are done and ready.
- 4) Make sure any redactions that need to be done are completed and ready.
- 5) Make sure any copies for the jury (usually defendant statement transcripts) are done and ready to be distributed when needed.
- 6) Consider pre-marking exhibits.

BREATHE!
YOU'VE GOT THIS.