

FORM ____ TRIAL PREPARATION CHECKLIST

Certain tasks generally are done in preparing for most personal injury trials. These tasks are best promptly assigned, monitored and completed. If they are, the attorney can focus on the higher level trial strategy and tactics that maximize the chance of success at trial.

The following checklist should help you with these tasks. Of course, trying a case differs significantly across the state. Therefore, this is a general checklist that you can tailor as needed for your trial forum. Not on this checklist is the preparation of the trial strategy and theme, a function best left to the individual attorney.

Task	Assigned To	Date Assigned	Date to be completed	Date Completed
The pre-trial conference – trial date is set, experts notified, client notified.				
Review of trial budget to see whether on course				
Cutting of videotape and service and filing of sections to be offered –Understand how the judge will rule on objections and defense arguments as to reading or play parts of deposition they offer				
Putting together the trial schedule, setting up by telephone and then confirming by letter client, witness and expert availability for specific date and time.				
Motions <i>in limine</i> , what judge, when and early motions if possible and tactically appropriate.				
Trial exhibit list, and service of plaintiff's trial exhibits on disc to defense.				
Sending deposition transcripts to clients or witnesses that need them if they don't have them				
Checking that defense witnesses have returned signed transcripts				
Review of trial exhibits to assure that				

evidentiary foundation exists, work on stipulation.				
Review of out of state records and out of state physicians and witnesses and possible need for court order to preserve their testimony and secure proper foundation for out of state records at trial.				
Possible notice to admit if not served already to authenticate documents [or for other case specific reason]				
Preparation and service of subpoenas				
Travel and flight reservations. Hotel arrangements for experts and client if necessary				
Creation of Trial Director file, input exhibits, presentation of call-ups.				
Creation of demonstrative exhibits, sending to experts if needed to confirm that they are fair and accurate, and service on defendants in sufficient time for the court to rule on objections, order changes in exhibit, and have it ready, perhaps for opening.				
Scheduling meetings with witnesses and experts				
Updating medical and other records.				
Getting Medicare and Medicaid and Workers Compensation and ERISA updated information to allow for settlement or presentation of proper medical cost total to jury.				
Sending trial report or status letter to client about case.				
As case moves closer to trial, increasing				

client contact and communication, trips to client house as required				
Preparing and serving supplemental discovery responses				
Securing certified copies of relevant statutes, regulations, and standards				
Depositions summarized, case facts chronology if applicable				
Case file taken apart and prepared for trial.				
Preparation of settlement summary memo and service of settlement demand after securing client consent				
Vetting and searching for defense expert witnesses identified – searching for transcripts, reports, etc.				
Checking courthouse for subpoenaed documents				
Client preparation meetings				
Meeting with treating physicians if applicable				
Checking and updating video equipment and providing for transport and set up in the courtroom. Purchase of backup and new equipment as needed				
Bring to Court – CPLR, PJI, Richardson, iPad/laptop with Trialsmith, CPLR apps and medical and legal apps/database, and case file downloaded.				
Check courthouse wireless capabilities.				
Preparing trial boxes for transmission to court room – who will transport, set up and break down every day. Can they be stored overnight in room at courthouse and also, can they be moved in early such				

as Friday before?				
Checking to see when courthouse opens and closes, when breaks are done how much time for lunch, any days that re dark during trial.				
Pre-marking exhibits with the Court reporter and getting them entered into evidence as quickly as possible				
If trial judge known, talking with other attorneys who have tried cases and determining trial judges' quirks, methods, court room style.				
Analyzing the jury pool				
Focus Group				
Talking to other counsel about how defense counsel tries cases.				
Preparation of Opening				
Preparation of jury selection outline and strategy				
Direct exam outlines of all plaintiff witnesses including list of trial exhibits that the witness needs to lay a foundation for, or use.				
Cross exam outlines of all defense witnesses				
Objections to defendants' questions of plaintiffs during plaintiffs' deposition marked and ready to argue.				
Extra copy of marked deposition transcripts available for the court to review during argument about read ins.				
Consideration for who will be taking trial				

notes during trial.				
In appropriate cases, taking client to courtroom and walking through process				

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