# Contents

Foreword xii

Introduction xiii

Chapter 1

The Case Is Going to “Go”: Setting the Stage for Trial Preparation 1
- Teamwork 3
- Preparation and Balance 4
- The Model for Our Discussion 5

Chapter 2

Day 60 to Day 30 7
- Scheduling 8
- Flyspeck the Case: Get It into Shape 10
- Testing, Demonstrative Evidence, Animations, “Day in the Life” Videos 13
- Planning Trial Presentation Techniques 15
- Mediation, Insurance Coverage Issues, and Mock Trials and Focus Groups 23
- Mediation and Settlement Negotiations 24
- Insurance 26
- Mock Trials and Focus Groups 26

Chapter 3

Day 30 to Day 20 29
- Preparing the Pretrial Filings 31
- The Pretrial Statement 32
- Views 34
Contents

Exhibit Lists 37
Depositions to Be Presented to the Jury 38
Timing of Opening Statements and Closing Arguments 40
Witness Lists 40
Prospects for Settlement 41
Trial Counsel 42
Waiver of Claims or Defenses 42
The Rest of the Pretrial Package 43
Proposed Jury Instructions 43
The Special Verdict Form 43
Requests for Findings of Fact and Rulings of Law 44
Motions in Limine 45
Requests Related to Voir Dire 48
Establishing the Trial Schedule 50
Prepare a Draft of Your Opening Statement 53

Chapter 4
Day 20 to Day 10 57
Final Pretrial Conference 57
Marking Exhibits and Resolving Objections 63
Preparing the Client for Trial 65

Chapter 5
Day 10 to Day 3 71
Prepare for Jury Selection 71
Preparing Your Witnesses 74
The Direct and Cross-Examination Outlines 74
Witness School 83
Logistics 87
Take Care of Yourself 89

Chapter 6
Day 3 to Day 0 91
The Final Weekend 91
Assembly of the File 91