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Trial Preparation: Working with Experts

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TRIAL PREPARATION: WORKING WITH EXPERTS

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This paper will outline major trial preparation steps that typically involve paralegals and identify strategies, recommendations and best practices for each major step. The purpose of this paper is to provide paralegals with a road map of their role in the trial preparation process and help the paralegal to support counsel, so counsel can conduct the best possible trial.

Preparing for trial is a significant undertaking. The primary goal of trial preparation is to permit counsel to benefit from the years of prior work on the file. Successful trial preparation will assist counsel to piece together a cogent and accurate picture of events from various sources of evidence gathered over many years.

This paper will be organized as follows:

1. Identifying the major preparatory steps in advance of trial,
2. Identifying some relevant legal deadlines for a trial,
3. Summarizing best practices for working with experts, and
4. Providing general strategies to prepare for a successful trial.

MAJOR PREPARATORY STEPS

Book of Exhibits

What is it?

A Book of Exhibits is a method of efficiently introducing a large volume of previously produced records at trial. Without a Book of Exhibits, counsel would be required to introduce individual records one at a time and comply with the strict rules of entering evidence at trial for each record. This is a time consuming process and is wasteful of the court's limited resources.

A Book of Exhibits solves this problem by assembling all the records which are intended to be exhibits at trial into a single group. When conducting a paper trial, a Book of Exhibits is a literal binder of individual records separated by tabs. If conducting a paperless trial, it can be seen as a fresh database of records. Whether prepared in paper or electronically, a Book of Exhibits allows counsel to quickly introduce all the records it plans on entering at once, allows all parties to easily find and use each record during the trial, and allows the parties to easily identify the records for later use (during written argument or appeal).