

# Tools of the Trade

## Top Tips for Paralegals Preparing and Attending Trial

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Anyone who has been involved in a trial in any way knows it is serious business and stressful. You have worked with your team of attorneys and staff for months or even years gathering evidence, witness statements and processing discovery in preparation for trial. As a litigation paralegal you are the backbone of the trial team, coordinating the thousands of details that must be attended to before, during and after trial. You keep the trial team focused and create the most positive work environment possible. Here is how:

### **Tip No. 1. CHOSE AN ON-SITE LOCATION FOR YOUR "WAR ROOM" AND ENSURE IT IS FULLY SET UP TO MEET ALL NEEDS.**

As you prepare for trial you will need to gather all documents and files and store in one location, preferably an on-site conference room. These conference rooms are often called "War Rooms." Keep in mind you will need to use this space for days, weeks or even months without interruption. Some offices are not large enough to afford the luxury of extra space and the War Room may be your office.

If you are travelling out of town for trial, it is most helpful to pick a location that can provide not only the space you will need for files, but also have access to the office equipment and services you need.

This space will be utilized by the entire trial team. When determining your needs and configuration it is helpful to develop a checklist of questions and tasks to ensure the space is fully functional. Here are some things to consider:

- Location
- How many people will need access and will after-hours access be available.
- Keep a list of supplies you will have on hand.
- What existing resources are available and will others be needed. Bookshelves, Tables, Chairs, etc.
- How many computers are needed and will laptops be brought in. Are docking stations needed?
- Is the internet source strong/fast enough to connect everyone who needs access?
- How many printers are needed?
- Copy machine, Fax Machine, Scanner requirements?
- Healthy Snacks, drinks available?

### **Tip No. 2. WORK WITH YOUR ATTORNEYS TO CREATE A PLAN AND KEEP YOUR TEAM ON TASK.**

Nothing is more vital to the success of the trial than a well-implemented detailed plan. Clearly determine the team's objectives and the role you will play in achieving those goals. Know exactly what you are expected to accomplish. All attorneys have their peculiar ways of preparing for trial. Misunderstandings late in the game exacerbate everyone's frustration and stress levels, and in some cases, can have a significant adverse impact on the trial. Here are some of the essential elements you should consider when creating your plan:

- **Task List:** Prepare a task list with a timeline. Allow space for daily status updates from team members. Place the task list in a central location accessible to everyone at all times. The task list should provide specifics such as a description of the task to be accomplished, who is responsible for accomplishing the task and supervising its completion and any other information the team collectively deems essential to the case.
- **Delegate Duties:** Delegate responsibilities to team members and make sure there is a clear understanding of who will be responsible for completing and supervising each task.
- **Focus on Essentials:** Unfortunately, your other work does not stop when you start preparing and attending trial. Stay focused on the task at hand. Screen calls as needed; however, do not allow for needless interruptions.

### **Tip No. 3. COMMUNICATE!**

Communication is the key to keeping it all together. As a paralegal, once the plan is in place, you will be responsible for constant coordination of the trial team and others (legal secretaries, investigators, vendors, expert and lay

witnesses). Firmly, but politely hold everyone accountable for their actions. Excuses are not tolerable during trial. Discuss problems immediately. No attorney wants to hear bad news, but if an issue arises, it needs to be dealt with swiftly. Remember, it is okay to provide feedback in an appropriate manner. Trials are stressful and lead attorneys and other team members sometimes have a hard time seeing the forest through the trees. Your ability to see things from the prospective of the jury and judge is key. Remember, it is always the attorney's ultimate decision; however, if handled appropriately, a paralegal's perspective and insight can go a long way.

#### **Tip No. 4. CONTROL THE FLOW OF PAPERWORK.**

Some cases involve a mountain of paperwork (exhibits, depositions, research, memoranda), and your ability to control the flow of that paperwork is vital to the success of the case. Few tasks are more important or more valuable to the lead counsel during the course of the trial. Mark, record and organize your documents in a manner that will be logical for the attorneys who will need to readily access them during trial. Summarize and annotate briefs and memoranda in a concise and logical fashion. If the lead attorney has not specified how he or she would like to accomplish this, talk to him or her. Offer suggestions and ideas on how you feel the documentation should be organized, and make sure your proposals are acceptable before you invest countless hours on a plan you will need to recreate at a later date. Organize the paperwork in a way that will facilitate quick and easy use at trial.

#### **Tip No. 5. KNOW YOUR JUDGE AND DO NOT OVERLOOK THE DETAILS.**

Judges are creatures of habit and emotion, and they have a certain set of written and unwritten rules they follow in their courtrooms. Some have inflexible rules while others are very patient. Know as much as possible about the judge before any court appearance.

Do your part to understand the rules and idiosyncrasies of each courtroom. If there are published local rules, study them. If you know others who have tried cases before your judge, seek their insight. Learn from the mistakes of others. Know the judge's preferences and predispositions.

Visit the courtroom before trial if possible. Identify details that will provide an advantage to your team, such as line of sight for the jurors, the witnesses and the judge; where you will position your visual aids and documents; and layout of the courtroom and the courthouse area (where to park, where to eat, the locations of the electrical switches, the restrooms, and so forth). Do everything possible to eliminate all uncertainty about details that might contribute to additional stress for your team.

#### **Tip No. 6. BE CALM AND CONFIDENT AND STAY IN CONTROL.**

Be the calm in the storm. Act confident in dealing with the trial attorney, your support team, the courtroom personnel and members of the opposing team. Speak with conviction and confidence. Your team and your client will be best served if you offer insights and constructive suggestions. If handled diplomatically, you are the attorney's indispensable aid, and your contributions to the ultimate success of the trial are indeed invaluable.

Paralegals indisputably play a critical role in the courtroom drama. While much of your work is preformed out of the limelight, it is nonetheless essential to the ultimate success of the case. There is no substitute for detailed preparation, a precise plan and regular follow up. Trials are won, and lost, based on the thoroughness of the paralegals' preparation. Help your attorney prepare for the moment on the stage, and when that favorable verdict is announced, you will know you made a huge contribution.

#### Resources:

9 Critical Steps for Trial Preparation -Important items that all paralegals should keep in mind.  
By David J. Dempsey

Effective Use of Courtroom Technology: A Judge's Guide to Pretrial and Trial  
By Deanne C. Siemer

Trial Preparation from Start to Finish - Preparing Your Office  
By James Wright and Vicki L. Osborn

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