
TRIAL PREP



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Preparing for trial can be exciting and terrifying all at the same time. You are balancing physical and mental expectations that need to be taken into consideration – yours and your attorney's. Here are some of the most helpful tips and tricks I have learned throughout the years.

Organization!

I know – everyone always says, “organization is key,” but during trial preparation, it really is! Every attorney prepares for trial differently and typically wants the exhibits, binders, and boxes set up a certain way. Regardless of how you are prepping for the trial, keeping everything organized will be a huge help to you during preparation, especially during the trial. Once I know a case is going to trial, I grab a new legal pad to keep all of my notes for that trial. This way, I can go back at any point and see what we discussed during a meeting weeks ago or what tasks still need to be completed. As paralegals, we have a ton of stuff running through our minds at any given time, so having a running list of everything being done relieves some of the mental load of trying to remember everything.

I have my own “trial folder” where I keep my notes and drafts of trial preparation documents. I have subfolders for different categories, including exhibits, demonstratives, experts, trial costs, travel, witnesses, notes, etc. This is where I keep all my trial documents; this folder goes everywhere.

I also start preparing my witness folders as soon as we prepare for trial. This may mean that I am digitally pulling all the information into folders for later, or I may start printing and making physical folders – it just depends on what my attorney's preference is. This way, when the attorney says, “Where are the <insert documents> for Witness A,” I already have them pulled together in a folder and can quickly pull them up or print them for the attorney.

Be Proactive – Lowering Stress

One of the most valuable benefits a paralegal can provide when assisting in trial preparation is removing some of the attorneys' stress. The attorneys must be focused on dealing with complex legal issues, not if the hotel room is booked for the expert or if the trial supplies are ready. The more they can focus on the legal issues, the more prepared (and hopefully less stressed) they will be for trial. If your file is organized, your attorney knows where to find things; that alone lowers the stress level. Ensure you have all your deposition transcripts in the file, including originals and copies. If your attorney uses a program that requires transcripts to be in a specific format, go ahead and save your transcripts that way. We use Trial Pad for our exhibit presentation during trials, so I create an upload link for the exhibits so that they can quickly be uploaded right before trial by myself or the attorney.

Communication is Key!

I cannot stress the importance of communicating with your trial team. Set up regular trial meetings. Ideally, start meeting once a month approximately six months before trial, then work toward meeting once a week leading up to trial. This is a great time to ensure everyone is on the same page and that things are progressing. It allows the attorneys to refocus, regroup, and prioritize what needs to be done. It also ensures that the right people complete every assignment on time.

Do not be afraid to ask questions during trial prep. If you are unsure how your attorney likes things done, reach out to other paralegals that have gone to trial with that attorney before. They will be able to provide invaluable information, from how the attorney likes their files set up to what type of hotel rooms should be booked out of town. Reach out to those around you for help. You are not alone in this!

Let's Get Physical, Physical!

Trial is hard! The physical toll that trial can take is hard

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to describe. Trial includes many late nights, stress, and irregular meals. Getting out of your routine can be grueling on your body. Long days of preparation are just the beginning. During trial, everything must be carried into the courthouse and set up, and this could include running up and down many flights of stairs. Moving boxes, tables, and enlargements daily takes a toll. At the end of the day, figure out what needs to be taken with you to work on back in the war room that night. If you are out of town, that may also include carrying a printer back and forth to the courthouse (and those things are not light!).

Remember to take care of yourself during trial preparation and trial. In an ideal world, that could mean taking an afternoon off before trial to get a massage or a mani/pedi. But in reality, it means taking time to go for a walk, take a real lunch break, or go to the gym/run/workout class to help keep your mind clear. During out-of-town trials, I always pack a travel heating pad. Sitting down with that heating pad at night has saved me more than I care to admit. Remember to take care of yourself after trial as well. If you can, take a day or two off after trial to let your body recharge. I came home from a two-week trial and slept for almost 24 hours. As I said, it is a different kind of grueling workout.

Have a Good Support System.

It is essential to have a sound support system at home

and work. Your hours will become irregular during trial preparation weeks, especially one or two weeks before trial. You will be getting to work earlier and getting home later. Having a support system to help at home takes tremendous stress off. Whether it is your significant other picking up the slack with dinner, laundry, kids, and dogs, or a sibling or friend coming over to drop off dinner or water your plants. Not worrying about those little things frees up some “mental clutter” that can overwhelm us. If you are anything like me, you are always trying to do everything. During trial, that is just not possible. But having someone help, even to tell you how amazing you are and how amazing you are doing, can give you the mental energy to tough it out through the end of the trial.

Your work team is another place to look for support. That support may mean they are helping with trial preparation or helping keep order with your other cases. Not worrying about sending the letter of representation out on that new file or returning a call to a client is another relief during trial. A great support system at work and home is vital for any paralegal, especially during trial.

Be proactive, organized and communicate constantly.

Remember you are AMAZING! And you are doing AMAZING work!