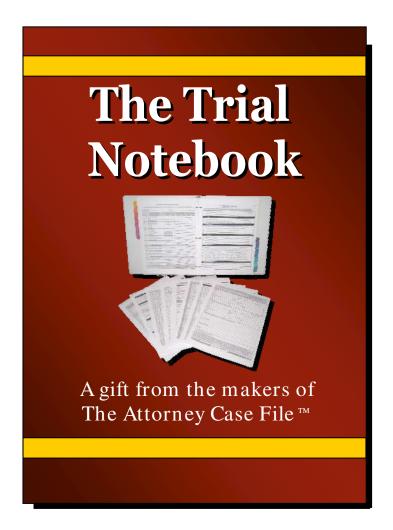
## The Trial Notebook



A little something we put together to help our friends in the legal profession.

Thank you for downloading your copy of our **Trial Notebook** ebook.

As you would expect with a document produced for practitioners of law, we'll start with the legal notices. We have four for you.

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Now that all of that's out of the way, let's get to the good stuff!

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A short discussion of what a good Trial Notebook should be, why you should always use one, and a litmus test of qualities to help make yours the best.

### II. Basic Structure

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Though there are many different areas of law, several types of court, and two sides to every argument, there are quite a number of features common to all trials. In this section we cover basic trial notebook structure as well as a list of some of the forms and checklists you'll find in the sections that follow.

### III. Useful Content

Page 13

Where would our manners be if we didn't provide some of the detailed forms, checklists, and additional tips on assembling a trial notebook that not only works well in hardcopy format but also in softcopy? In this portion you'll find cover sheets for your notebook sections as well as a few of our forms from The Attorney Case File to help you in organizing material for your trial.

## IV. Putting it All Together

Page 34

We started with an overview of good Trial Notebook qualities, gave examples of the contents a thorough one should have and then gave you forms to get you started. However, the difference is in the detail and we want to give you the detail that will make all the difference. Here we'll cover additional tips on how to make your Trial Notebook all it can be and to make your day in court a success.

## V. About the Source

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This ebook is only a small portion of what's available. There is more to show you so we added this small section to tell you about the much bigger picture.

## I. Introduction

Welcome to the Trial Notebook ebook; a short excerpt from part of "The Attorney Case File" system.

Based on the stats from our website, most visitors arrive after having searched for information on how to construct a Trial Notebook, so here we are, doing a little more to help you with your law office, case management, and trial preparation needs.

Though just the tip of the iceberg, we've packed a lot into this short work. We're going to cover some of the basics of a Trial Notebook; we'll throw in a few useful forms from our system, provide some rather useful tips, and then finish up with helpful insight into the final construction and "polish" for making yours the best Trial Notebook it can be.

If you are fairly new to the industry, let's settle this question: "What exactly is a Trial Notebook?" A Trial Notebook is the "brain" of your court appearance. It's not the folder that holds all your evidence, it's not a collection of court rules or procedures, and it's not your day planner housing your law office to-do lists. It's it own focused, dedicated organizer for the in-court presentation of the witnesses, exhibits, and other information related to one trial and one trial only and if you do it right, it will be pretty much worth its weight in gold.

If you're a seasoned pro but still say "Well, I can't see using a Trial Notebook for *every* case. We've done pretty well in a lot of our smaller trials without going to all that trouble ..." then let's look at:

### "Top Ten Reasons to Create a Trial Notebook"

- 10. The process itself is educational since you have to review your case while putting it together.
- 9. It helps you notice billable hours you might have misplaced had you not reviewed.
- 8. Nothing will sway a jury against you as quickly as looking disorganized and inept.
- 7. If you need to add attorneys for any reason, a good Trial Notebook brings them up to speed.
- 6. A good Trial Notebook can streamline your time in court which may win favor or good will.
- 5. If you're support staff and create great Trial Notebooks, you might rule the firm one day!
- 4. It shows the Judge, Jury, and Opposition that you're ready and you mean business!
- 3. Organization and readiness instill confidence in the presenting attorney(s).
- 2. It also instills confidence in the client (you know... the one writing the checks).
- 1. You want to WIN!!

We all want to win.

It has long been said that good attorneys will not ask a question in court to which they do not already know the answer.

The answers to these potential questions should have been provided as you worked your case; in the investigation, the preliminary proceedings, discovery, and every second leading up to an appearance in court. The most important question of all, though, is "In court, can you find the answers you gathered so you know you're asking the right questions?" Just as important, are seemingly minor details also organized to the point you don't miss a single step?

Presenting your case in court is the culmination of all the hard work put forth in its preparation. You've worked hard for your client, investigating the details of the case, performing statutory and case law research, creating piles of briefs and memos, lining up expert witnesses, communicating with the clerk of the court, scheduling and calendaring all related activities, accounting for all billable hours, securing your evidence, creating exhibits, pouring over discovery items, and making sure every I was dotted, every T was crossed. In all, you want your case presentation to be a work of art, and that's why we're here. We want to give you the framework to help you shine once you get to court.

In just a bit we'll go through the actual steps you should take in setting up your notebook, but for this short intro, we'll discuss the "Litmus Test" or rather the qualities your notebook should have that will help set you up for success when your case goes to **T.R.I.A.L.**:

<u>Thoroughness</u> – Have you included everything you'll need and then checked it all again?

<u>Reliability</u> – Accuracy aside, does your notebook format work? Is it softcopy or hardcopy?

<u>Inquisitiveness</u> – Do your sections and forms prompt you to provide the right info?

<u>Appearance</u> – Does your Trial Notebook package command respect or is it a mess?

<u>Logic</u> – Is there a good intuitive flow to the layout of your material? Can you navigate it easily?

### **Thoroughness**

There is nothing so fatal to a court case as a missed detail. While you don't want to be repetitive, the more important an event is the more a little redundancy is your friend. You want to include everything you need, repeat a couple of things here and there, and have some good cross-reference so you don't overlook anything. Some thoughts to keep in mind:

Ш	Work from forms, templates, and checklists. Don't leave anything to chance or memory	You'll
	find a few of our forms and checklists in the "Useful Content" section.	
П	Review everything with your client and your presenting attorney(s) as you go along	Naitina

Heview everything with your client and your presenting attorney(s) as you go along. Waiting until the last minute does nothing but ensure missed detail and a nervous client.

Ш	If you had an outside (or in-house) investigator working with you, have them review with you the
	material they provided so you know all the ins and outs of the information gathered.
	Create an "Index and Reference" section where you make an index like you would find in a text
	book. For example, have one list showing your Document Control numbers in numerical order
	along with the items they represent, list your witnesses in alphabetical order, your e-discovery
	files by name, and list all other electronic file names in alpha-numeric order with a description of
	their contents. In court, you never know what you'll have to look up.

### **R**eliability

Just how can a notebook be "reliable?" Simple. It's usable and does everything you would expect. In this case, the goals are to both house and safeguard all of your pertinent organizational data and intel, and to be ready to provide that information to you exactly when you need it each and every time. We'll cover this in more detail later, but for now, let's look at some general points:

וטו	be ready to provide that information to you exactly when you need it each and every time. We in
r th	nis in more detail later, but for now, let's look at some general points:
	The heart of your system should be a hardcopy three-ring binder. Though most offices and
	courts are trying to "go green" and conserve paper, there is a time and a place for a paper-
	based organizer. Trial is that time and place. Binders don't crash like computers can.
	Though we're heading in to an all-electronic-file age, the vast majority of us were raised on
	paper-based books and handwritten notes in school and we're still faster at navigating a tabbed
	notebook than a computer file.
	A hardcopy Trial Notebook is also good in case the computer crashes, or your firm's computer
	operating system is changed during the course of a lengthy trial. The more important the case,
	the more redundancy is your friend.
	The binder you choose should be durable and hold papers well. It'll be tossed around on desks
	and tables, scooped up with folios and boxes, and take countless trips in vehicles. You don't
	want it to show wear easily or spill its contents in the middle of court.
	Similarly, any computer you bring in to court should use a reliable operating system and you
	should have a power cable, a charged battery, and all pertinent accessories.
	Your soft-copy media should also come in a couple of formats just to make sure you can
	reliably access each. Have one copy of the file loaded on your computer and have a CD or
	DVD copy in addition to the files on a "thumb drive" or "flash drive." We'll have some related
	tips for computer use under "Putting it All Together."

### Inquisitiveness

You get to ask questions in court. That's how you get some of your information. A trial would be useless if you didn't question anyone or anything. Why? So you don't miss a single detail. Your Trial Notebook should do the same for you... provided you set it up right.

- □ Always work from templates, forms, and checklists. You'll find examples under "Useful Content." Checklists will help remind you of the information your notebook should house.
- □ As the saying goes "The dullest pencil has a better memory than the sharpest mind." (Author Unknown). Your forms will help you remember what to do with final notebook content review, on the day of court, and for making sure you have all the main items and support items you'll need to ensure your presentation in court is complete, thorough, organized, and successful. The better you are at customizing these checklists, the better off you'll be. Remember, "When in doubt, write it out!" Don't leave important things to memory. Set your Trial Notebook up so that it asks you the right questions before you ask questions in court.

### **Appearance**

People shouldn't judge a book by its cover but they do. It's just a fact of life. For example, your personal appearance should be as professional as possible, especially when you're in front of the client, court, or opposition. Your Trial Notebook should maintain a professional appearance as well in order to command respect from the jury, confidence from your client, and to intimidate the opposition.



You wouldn't take this into court would you?

Imagine a disheveled, slovenly looking attorney flipping frantically through a stack of legal pads and loose papers while the clock ticks and the confused expression on his or her face deepens. Now imagine a well-dressed, calm, confident, attorney casually referring to a new laptop and doing a quick cross-check with a tabbed three-ring binder housed in a nice leather cover. Which one of these images conveys a winner? Think about a few appearance pointers:

- ☐ You don't want to spend too much money on notebooks, but make sure the ones you get look good and match the folios and binders you bring with you to trial.
- □ Never use stacks of pads, papers, or "unbound" anything. All paperwork should be in some sort of binder, folio, or labeled box, and again, they should look like they all came as a set.
- ☐ For externally visible labels, use something that looks professional, and make sure they all match (though you might use different colors for different sections more on that later).
- ☐ Rubber bands have a minimal place in court. Don't use them if you don't absolutely have to.
- □ Neatness counts, even when it's only your people seeing the contents. This is especially true if you're a paralegal preparing this for a partner of a firm. Your work product affects your career. Make it good and make it count. Make sure all spelling is correct, typestyle (font) is uniform, grammar is good, the layout follows office protocol (which you should help set), and that all copy is legible.

### **L**ogic

The most thorough and detailed Trial Notebook in the world is going to be useless unless the presenting attorney can understand the layout and logic of how everything in the notebook is organized. Consider the following:

- □ The first consideration is, "Who is the lead or presenting attorney for the trial?" Though your firm's notebooks should be pretty much standardized you still have to consider the nature of the type of case being tried followed immediately by the idiosyncrasies of your presenting attorney. Do they prefer hardcopy or do they work best from computer? Do they like large print or small print? Do they respond well to color-coded / highlighted text or certain symbols like different types of bullet points? Has the court issued any edicts concerning trial materials?
- ☐ Though one attorney might prefer one certain format over another, you need to keep two things in mind. One, there should be some uniformity, and two; your redundant backups should mirror each other as much as possible. For example, if the attorney prefers working from an electronic copy of the Trial Notebook and the laptop crashes, the hardcopy three-ring binder should be laid out in the same fashion as the softcopy version.
- ☐ We can't stress this enough: work from forms, checklists, and templates.
- ☐ This also bears repeating: Create an Index & Reference section to give you a secondary way of looking up information that you need to locate quickly.
- ☐ Though you have a lot of data you gathered for your case, keep in mind that the Trial Notebook is not meant to house everything, but rather, it is to be the main organizer or index of your materials and an outline of your case. Use other folios, folders, binders, and boxes for the "guts" and documents. Keeping the Trial Notebook's contents concise and to the point makes for easier navigation which is much more logical.

Sadly, in such a short ebook we can only speak in generalities with your Trial Notebook. There are so many types of cases. You might be working either side of civil or criminal, tax or tort, paternity or product liability, contract or malpractice, family or corporate. However, trials do have some foundational elements to them, so we'll give you the framework you'll need that will help you prepare the best Trial Notebook you possibly can. Let's look next at "Basic Structure."



Could you navigate your way through a ton of important documents without a good, logically organized Trial Notebook?

## II. Basic Structure

As mentioned in the "Introduction," with anything as important as a trial, redundancy is your friend. Here under "Basic Structure" we're going to focus on the contents of a hardcopy notebook, but we'll also remind you to organize your softcopy files in the same format. Remember; logical organization is key to your material being useful in court.

Some offices organize their notebooks by form, others by function, and we've even seen some who choose to do everything in alphabetical order. What we recommend is to organize your sections in pretty much the same order as they'll be accessed or used in presenting your case. The following are offered as suggested tab sections for a hardcopy notebook, but as we've said before, your electronic files should be stored on your computer, CDs / DVDs, and flash drives using an identical folder or document table of contents layout. Here are our suggested sections:

Title Sheet: Trial Information

#### **Tabbed Sections:**

- 1. Pre-Trial
- 2. Voir Dire & Jury Info
- 3. Opening Statements
- 4. Presentation Schedule
- 5. Witnesses
- 6. Exhibits
- 7. Law & Court
- 8. The Opposition
- 9. Closing Statements
- 10. Jury Charge
- 11. Verdict and Post-Trial
- 12. Daily Journal & Miscellaneous
- \*\* Index & Reference



A little organization can sometimes help tame the bigger problems!

Keep in mind that even though we're listing sections in this order and about to provide you with some forms to put in those sections, that this is more an offer of constructive suggestions than any sort of insistence that you do things our way. This is all here as a place to start for the new folks and a fresh perspective for those of you who've done this for a while.

On the next page, we'll look at these sections and their contents in a little greater detail.

### Trial Notebook Structure in a Little Greater Detail

Here we'll expand each of the suggested notebook sections and list some of the recommended contents (including some of the forms – shown in red text - which you'll find in this ebook).

### **Title Sheet: Trial Information**

Just inside the cover, place an identifier to inconspicuously label your notebook and provide case/court info. We've provide an example for you called the "Trial Information" sheet.

ıa	<b>bbed Sections:</b> (Listed with sugg	ested forms or subsections.)				
1.	. <u>Pre-Trial</u> (Included is a generic <u>Section Cover Sheet</u> to use with any tabbed section.)  Since much of what happens in pre-trial will dictate the rest of your work to follow, keep copies of all pertinent documents in with the rest of your trial work product. Maintain copies of all motions, orders, pleadings, and the like.					
	☐ Charges / Summons	☐ Pleadings	☐ Pre Trial Orders			
	☐ Motions in Limine	☐ Trial Brief	☐ Bench Questions			
2.	Voir Dire & Jury Info					
	pertinent information related to the but any other piece of data relate	next section should concern itsel he jury. This area should include nd to the jury while the trial is activ	not only voir dire questions, e.			
	☐ Voir Dire Questions	☐ Juror Data Sheet	☐ Jury Consultant Report			
	☐ Juror Questionnaire	☐ Juror List / Seating Chart	☐ Copy of Juror Notebooks			
3.	Opening Statements					
	Though initially this section will only house an outline of the presenting attorney's "statement to be," use it to house the final transcript of your opening remarks along with the opposition's.  □ Opening Statements / Arguments Outline □ Final Transcript of Opening □ Transcript of Opposition's Opening					
4.	Presentation Schedule					
	presentation schedule outlining testimony and evidentiary exhibi copy of your "Bench List," or the judge, should be placed here as and exhibits, it should also conta	of your Trial Notebook. Here is the issues related to your cats. This section is supported by abbreviated version of your preswell. Also, since this section is the in the executive summary providesome of your presentations have a Copy of Bench Copy gator's Report	se and associated witness the next two sections. Your sentation list that goes to the e overview of your witnesses ed by your investigator since			
5.	Witnesses					
	you'll place your witness list by	ole who will be called to support yo itself along with the background and Exhibits List cross-reference	d material on each of them.			
	☐ Client's Testimony	☐ Witness List	☐ Witness Information			

6.	<u>Exhibits</u>						
	presentations you'll be making references with the Witness Lis exhibits in this notebook, you'll	in court. You'll note that our e st. Also please note that you simply list their descriptive infor	enclosed Exhibits List cross- won't necessarily place your mation and record where the				
7.	Law & Court						
	present we place the informatic witnesses will be handled. This along with other supporting case copy of the Bench Book or copy choose to research any backgro	on on how the trial will be gove se section should house your Ta se and statutory law research rese of any written rules for this partic bound information on prior cases to place that here as well (at your o	erned and how exhibits and ble of Points and Authorities ults. It should also contain a ular court. And, if you should this particular judge has tried own discretion of course).				
	☐ Case Law Research	3					
8.	Opposition's Case						
	Just as you want to be able to find the background info on your case rather quickly, you'll want to do the same with the intel you've gathered on what the opposition is up to. Keep all of that here. Note: If you absolutely have to make your notebook physically smaller, this is a good section to put in a separate book.						
	☐ Opposition's Witnesses ☐ Opposition's Exhibits	☐ Witness Information ☐ Opposing Client Data	☐ Impeachment Briefs ☐ Discovery Index				
9.	Closing Statements						
	argument, use it to house the fit the opposition. You always was easier to review for improprieties  ☐ Closing Statements / Argument	nal transcript of the remarks maint to keep a copy of the oppose and a copy of your own for refer onts Outline  ☐ Final Transc	de along with those made by ition's statements to make it ence or education.				
10	. Jury Charge						
	not given, or how their instructio	ns from the court were worded of					
11	. Verdict and Post-Trial						
	Law & Court  Helping to bridge the gap between what you want to present and what the opposition will present we place the information on how the trial will be governed and how exhibits and witnesses will be handled. This section should house your Table of Points and Authorities along with other supporting case and statutory law research results. It should also contain a copy of the Bench Book or copy of any written rules for this particular court. And, if you should choose to research any background information on prior cases this particular judge has tried and how that judge tends to rule, place that here as well (at your own discretion of course).  Table of Authorities  Judge Background  Copy of Court Rules  Case Law Research  Statutory Law Research  Clerk Communication  Opposition's Case  Just as you want to be able to find the background info on your case rather quickly, you'll want to do the same with the intel you've gathered on what the opposition is up to. Keep all of that here. Note: If you absolutely have to make your notebook physically smaller, this is a good section to put in a separate book.  Opposition's Witnesses  Witness Information  Impeachment Briefs  Opposition's Exhibits  Opposition's Exhibits  Opposition Data  Closing Statements  Though initially this section will only house an outline of the presenting attorney's closing argument, use it to house the final transcript of the remarks made along with those made by the opposition. You always want to keep a copy of the opposition's statements to make it easier to review for improprieties and a copy of your own for reference or education.  Closing Statements / Arguments Outline  Final Transcript of Closing Statements  Transcript of Opposition's Closing  Dury Charge  Many a case has been won or lost on appeal because of the information that a jury was or was not given, or how their instructions from the court were worded or delivered. Make sure your Jury Charge and Instruction copies are kept close at hand.						

### 12. Daily Journal & Miscellaneous

There is no such thing as a trial without notes. Having a Daily Journal section gives you a concise location to keep notes you've made, a list of motions or other issues to respond to or follow up on, and to keep either the final transcript received from the court reporter or an executive summary thereof.

☐ Daily Court Journal ☐ Final Reporter Transcript

### \*\* Index & Reference (\*\* A section, but not a numbered section.)

You should have a hardcopy Index & Reference for all the reasons previously mentioned, but this is a document (or documents) that is easier to create electronically and then print to store here. You want to have this section so you can find witnesses, exhibits, or electronic files that may have somehow been misplaced or improperly categorized in other sections.

- □ Documents Listed by Control Number □ Alphabetical Witness List
- ☐ Annotated List of Alphabetically or Numerically Organized Electronic Files
- ☐ Exhibits listed by internal Control Number and cross-referenced to court's exhibit number.

Note: The forms listed above in red text are included in this ebook.

In the next section, "Useful Content," we've provided copies of the forms listed in **red text** above. Though this is a PDF format ebook, you can still print the forms to fill in by hand, scan them and read them with OCR (Optical Character Recognition) software, or use them as a model to create your own. They're just a very few of the forms and sections from <u>The Attorney Case File</u> (where our pages are fully customizable by the user), but we're here to help you make better Trial Notebooks so we thought we'd give you some good templates to help get you started.

But that's not all! There are still so many tips to give you that the next section following "Useful Content" is called "Putting it All Together" where we've provided even more points on assembling both your physical and electronic Trial Notebooks and for getting ready to present your case in court.



Structure is good! It's hard to be happy unless all the parts are together.

### III. Useful Content

Here's where you'll find copies of the forms listed in **red text** under "Basic Structure." These are just some of the many pages from <u>The Attorney Case File</u> provided here to help make your office life easier.

In this section you'll find copies of:

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- **Trial Information:** This is the cover sheet to go just inside your Trial Notebook. It will help you ID the notebook without having to put too much information on the outside.
- **Section Cover Sheet (Generic).** Use this template as a basic fill-in-the-blank cover sheet to use with each section. Start your notebook's assembly by putting these pages in place and let them be your section "to do" lists for this particular trial.
- **Juror Data Sheet:** Depending on your area, area of law, and type of case, you may be allowed a certain latitude in the amount of background information you collect on jurors. Whatever you're allowed to collect, this form has a place to record the information.
- **Juror Questionnaire:** A general questionnaire, this template offers a framework for constructing your own more in-depth survey tool for voir dire. You'll note that several of the blanks prompt you to add your own questions or details.
- **Juror List** / **Seating Chart:** Whether you use a jury consultant or just want to know who's who in the jury box, this worksheet will let you record names, notes, and seating position.
- **Presentation Schedule:** This page will let you outline your case in a chronological order showing which witnesses you want to call, the exhibit with which they're associated, projected date of appearance, anticipated time length, media needs, and even the issue of the case to which it's all related.
- **Bench Copy of Presentation Schedule:** A "lite" version of your Presentation **21** Schedule, this is the copy you'd hand off to the bench to let the judge know more about your witnesses and exhibits and some of the related information.
- **Client Data Sheet:** In this case the sample we've provided is the "Civil Case" **22** information sheet. This will help you gather some of the early data from your client to start the case.
- **Witness List:** A quick organizer to show the names of your witnesses along with **23** pertinent presentation information.
- **Witness Information:** One of the things we'd like to point out about this form is that it prompts you to gather additional contact and tracking information about your witness. As cases drag on in court witnesses sometimes move or do other things that make it difficult to locate them when the next round of trials start. With this form you'll have all the data you need in order to contact them again and again in the future.
- **Exhibits List:** A quick organizer to show the exhibits you'll present along with pertinent information. **25**

Pg.

Clerk Communication: Much of your communication with the court will be through the 26 Clerk. Having a separate tracking sheet of these communication pieces will offer some redundancy so you'll be sure nothing was missed.

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Opposition's Witness Information: Just as you want to know everything you can about your own witnesses, this is doubly important for witnesses the opposition will call. This template prompts you for extended contact information as well as background information, impeachment notes, etc., that your investigation will uncover.

Opposing Client Data: One of the most important people involved in the trial, you'll want to know as much about the opposing client(s) as you possibly can. This page acts as the background investigation cover sheet for the data you'll uncover.

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Post-Trial Juror Interview: There's a reason they call it "practicing law." You always learn something new every day. Interviewing the jury - whether you won or lost the case - provides good insight on what went right and wrong for both you and the opposition so you have something to build on next time.

Daily Court Journal (and page 2): This one is a two-pager. Page one is the beginning of your in-court journal; the page where you keep notes regarding what went on in court on that day of trial. The second page is the basic copy for all following pages. These are included as a tool to help you take better-organized notes.

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We've also provided a couple of checklists not listed in the tabbed sections discussed above:

Trial Notebook Final Assembly Checklist: Always work from templates, forms, and 32 checklists. Trial is not a place you want to realize you forgot something. Having a final assembly checklist helps you remember to include important details.

Day of Court Checklist: Since redundancy is your friend in important events, this 33 checklist is provided to make sure you have everything you need for court above and beyond your Trial Notebook.

So, enough discussion already, let's show you the forms and templates! Remember, in a PDF ebook, there's only so much you can do with a sample form. With these you can print them to fill in by hand, scan with OCR software, or use as a model for creating something else. In our full system though, all files are in unlocked word processor formats so you can alter at will.

## **Trial Information**

Client	
Client(s):	
Internal Case #:	Description / Type of Case:
Lead Attorney:	Second Attorney:
Assigned Staffers:	
Court	
_	of
Trial Date://_	
Re: Case:	V
Judge: The Honorable:	·····
Clerk of the Court:	Phone:
Courthouse Address:	
City:	State: Zip:
Court Room:	Main Phone:
Court Reporter:	Phone:
Opposing Counsel	
	:
Lead Attorney(s):	
Opposing Client(s):	
This Trial Notebook	
This Trial Notebook:	☐ Single Volume, All Inclusive, One Cover
	☐ Multiple. This volume is # of and covers
(Use this page as a cover	r sheet just inside the Trial Notebook to make identification easier without outside labels.)
	Filename:

### Section Cover Sheet for Trial Notebook Tabbed Section (Generic for Ebook)

<u> </u>	<b>∧tı</b>	$\mathbf{n}$	Tit	י בו
JC	CII	UII		IC.

Ø	Form / Section / Item	File or Location	Staff	Sub-Tab	Date	IN
					//	
					//	
					//	
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☐ A	ll documentation, witness, or e	xhibit material associate with this	section accou	nted for.		
□ A	ll Document Control or Exhibit	numbers checked against Index &	Reference se	ction.		
	Il Electronic Files checked aga	inst hardcopy notebook section a	nd verified.			
Gene	ral Notes:					
Impo	rtant Note:					
Section	reviewed and pages initialed by Clie	ent: (Signed)			Date://	
Section						

<sup>&</sup>quot;Form / Section / Item" = Document, Collection of Documents or other pertinent Item related to this section

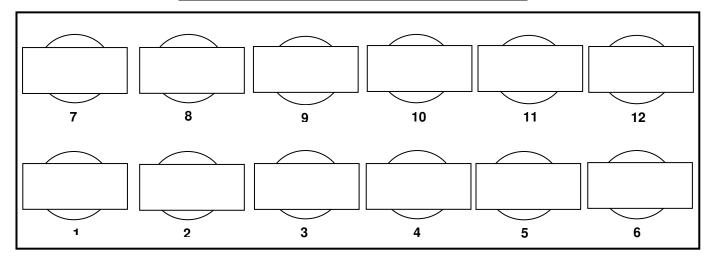
<sup>&</sup>quot;File or Location" = File name of electronic document, or if a physical item, location where it's stored. "Staff" = Staff member in charge of this item's completion. "Sub Tab" = Specific tab location in this section if not main tab. "Date" = Date completed "IN" = Supervisor's Initials.

	JUROR DATA SHEET (for in-house use only)					
Juror #:	_ Foreman?:	_ [Or Alternate #:_	] Po	ost Trial Intervi	ew Conducted:	/By:
☐ Photo avail	able (staple to top	of sheet)				
			Gene	eral Info:		
Full Name:				SSN:		DOB://
Address:				Apt/Ste		
City:			St: Z	ip:		Own/Rnt/Rsd Yrs:
Phone:				Cell Phone:		
E-Mail:				Personal We	bsite:	
☐ Facebook	🔲 MySpace 🔲 Y	ouTube 🔲 Twitter 🔲	Blog 🔲 Other	r:		( Monitored for trial postings)
			Emplo	yment:		
Place of Emp	oloyment:			Supervisor:		
Address:				Title:		
City:		St:	Zip:		Website:	
Phone:	-	x Fa	ıx:		E-Mail	
Nature of wo	rk:					
Previous Pla	ce of Employme	nt:			Supervis	or:
Nature of wo	rk:					
Address:					Title:	
City:		St:	Zip:		Website:	
Phone:		F	ax:		E-Mail:	
			Edu	cation:		
Education:			From:/_	/to/	_/ FT/PT	Status/Degree:
School:				Major:		
Contact :				Advisor:		
Address:				;	Suite.:	County:
City:			St: Z	ip: -	We	bsite:
Phone:		Pager	:		ICQ	/UIN:
Cell Phone:		Fax:			E-M	ail:
			No	otes:		
General Not	es:					
Jury Consu	Itant Notes:					
	•	•	•			und check performed.
		s to opposing client, ju	dge, or opposi		ked and verified	Criminal & Civil Histories Listed
Document Ctr		DATA OLITE	N/ A A	Filename:		
	JUROF	R DATA SHEET:	NAME:			

## **Juror Questionnaire**

Personal Information:						
Name: SSN:						
Race: Sex: Age: Date of Birth:// Place	e of Birth:					
Address:	Apt.					
City: County:	Zip + 4:					
Phone: Cel	Phone:					
Email: We	bsite:					
Social Media: Are you on any of the following sites?   Facel	oook 🔲 MySpace 🔲 Twitter 🔲 YouTube 🔲 Blog 🔲 Other					
If you checked "Blog" or "Other," what is the site?						
Marital Status: Single, Married, Divorced, Widowed Religion	on: Political Affiliation:					
Emplo	yment:					
Employer:	Your title: Years there:					
Nature of work:	Your Supervisor:					
Address:	Suite:					
City: County:	Zip + 4:					
	Phone:					
Email: Website:						
Questi	onnaire:					
Have you ever served on a jury before?  What kir	nd of case?					
2. Have you ever sued anyone? What was it for?						
3. Have you ever been sued? What was it for?						
4. Have you ever been arrested and/or convicted of a crime? If so, what?						
5. What is your opinion on [type of current case] ?						
6. What, if anything, have you heard about [current case]?						
7. What is your opinion of [potential penalties] ?						
8. Do you personally know any of the following people [judg	e, client, opposing client, opposing counsel] ?					
9. Have you ever been in a situation involving [pertinent tidb	it from case] ?					
I certify, to the best of my knowledge, that all information and	answers provided above are complete, honest, and correct.					
Signature:	Date: / /					
	e Use Only					
Remarks:						
Document Ctrl #	Filename:					

## **Juror Seating Chart and Jury Section Cover Sheet**



#	Name & Misc. Info	Notes	В
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		Alternates	
	Names		В
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5			
	B Column □ = "Ba	ckground Info" See attached "Juror Background Checklist"	

## Presentation Schedule of Witnesses and Exhibits – Internal Copy

Cli	ent:				Internal Case #:							
Со	urt Docket #:				Trial Date://							
	Est.	(Show which witness is associa	ated with	which exhibi	and coordinate with Issue.)		Time	Status				
#	Date	Witness	← Asso	ciated with →	Exhibit	Media	Length	Р	S	Α	Е	Issue
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23.	//											
#	Est. Date	Witness	← Assoc	iated with →	Exhibit	Media	Time	Р	S	Α	Е	Issue
Ò	All line numbers	cross-checked with Exhibits List 🔲 All I	ine numbe	er cross-check	ed with Witness List 🔲 All line nun	nbers cross-cl	hecked with	Ben	ch C	ору		
not	an audio / visua	<b>Date"</b> = Projected Date this Witness an all tool is required, etc " <b>Time Length"</b> esses or exhibits are associated. " <b>Statu</b>	= Estimate	ed length of tir	ne items on this line might require.	"Issue" is ar	n open colu	ds th mn u	e wit sed	tness to sh	mig now v	ht have, whether or with which issues or
Do	c control #		Filenam	e:					This	is p	age	# of
	-											

## **Bench Copy**

	Presentation Schedule of Witnesses and Exhibits									
	sented by:			Cou	nsel for:					
	al Date:/_				t Docket #:					
	se of			V						
Ad	ditional contact	for our firm:								
#	Est. Date	Witnes	S ← Associa	ated with >	Exhibit		Media	Time	В	
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#	Fst Date	Witnes	S ← Associa	ted with →	Fyhihit		Media	Time		
Lir Pro wh	# Est. Date Witness ← Associated with → Exhibit Media Time B  Line number and projected date are the same as on counsel's in-house copy of this list. "Est. Date" =  Projected Date this Witness and/or Exhibit will be presented. "Media" = Type of format the exhibit is in or what needs the witness might have, whether or not an audio / visual tool is required, etc. "Time" =  Estimated length of time items on this line might require. "B" = Supporting Brief or Citation attached.									
Ve	Verified and presented to the Court by:  On://									
Do	Occument Control #: Filename: This is page # of									

## **CLIENT DATA SHEET – CIVIL CASE**

Case number:	_ Client is: 🔲 Plai	intiff 🔲 Defendant	Client is	s: 🔲 P	erson(s) 🖵 Business Ent	tity				
Client is: 🔲 Sole Client 🔲 Main Client of	Group numbering:	Client # c	of this grou	р 🔲 М	ember of Class Action					
Name:		SSN:		Sex	α:					
DOB:/ POB:				Rel	igion:					
Address:		Apt/Ste:	Cmp/S	Sb:						
City:	Co:	St: Zip:			Own/Rnt/Rsd:Yrs:					
Phones: (H): ( ) -		Cell Pho	ne: (	)	-					
E-Mail:	Website:		•	-						
Place of Employment:		Title:		Supe	rvisor:					
Nature of work:										
Address:					Reachable at work? Y/	/ N				
City:	St:	Zip: -	-							
Phone:( ) -	X	Cell Pho	ne: (	)	-					
E-Mail:	Website:		,							
Phone: (others): type: (	) -		(	)	-					
Client-Provided Background:	Releases:		(	Client:						
☐ Documentation	☐ All Info – Client	☐ Criminal history	Date	of first	contact://					
☐ Physical Evidence	☐ All Info - Spouse	Litigation history			<u> </u>					
☐ Printed Articles	All Info – Child	☐ No Civil/Crim History			greement signed//					
☐ Television	Power of Atty	☐ Witness lists			Credit Application					
☐ Website:	Subpoena	☐ Official Reports			aken://					
Other:	☐ Other:	<b></b>	-		Bates #:					
☐ Full "Subject Data File" started on Clie	nt, 🔲 Full backgroun	d check performed, 🔲 l								
☐ Suit Filed or Summons rec'd on:/	/ Via:			Revi	iewed on:// By:					
Case Synopsis:										
					Extended narrative attac	hed				
Acceptable Settlement for Arbitration /	Negotiation:									
Client Releases and A	cknowledgement	: (check the "R" bo	x if sepa	rate fo	orm used)	R				
I hereby authorize release of any and all	osychological records	s pertaining to this case.	Initial:							
I hereby authorize release of any and all I										
I hereby authorize release of any and all of	criminal records perta	aining to this case. Initi	al:							
I hereby authorize release of any and all of										
I hereby authorize release of any and all I										
	hereby certify that all information presented above is true, correct, and complete, and give full authorization for a full and complete background check on myself and all aspects of my case. I understand this check will include any and all records listed above.									
Client:	Signa	ature:			Date://	_				
Witness:	Signa	uture:			Date://	_				
Document Control #:			File Nam	e:						

Client Data Sheet - CIVIL CASE

## Witness List

Case#:		Client:		Court Do	ocket #:					
			Date			Schedu	led:			
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	Name:	Type:	Date	Main Phone	Exhibit	Date	Time	С	Staff	W
			Served			Schedu	ıled			
Line nu	umbers cross-checked with	n presentation so	hedule 🔲 Witnes	sses cross-checked with item	s appearing in "Exhibit" colun	nn. 🔲 All checked	witnesses	confi	rmed to app	ear.
case of cou	ırt schedule change. "Exhibit	t" = Exhibit with wh	ich this witness migl	tc. " <b>Date Served</b> " = Date on which the associated. " <b>Scheduled Da</b> " <b>W</b> " = Notation of a "Witness In	te / Time" = Date and time this p	person is projected to	o appear in	erson your p	can be reacheresentation.	ed in
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			<u> </u>	\A/!! ! !-!	•					

## **Client's Witness Information**

Type: 🔲 Expert 🔲 Direct 🔲 Alibi 🔲 C	Character 🔲 Other:			Line # on Witnes	s List:		
Deposed: / / Time:	am/pm Recorded	via:	Deposed by:				
Full Name:			SSN:	DOB:	/	/	
Address:		Apt/Ste	Cmp/Sb:				
City:	County:	St:		- Own/Rnt	/Rsd	Yrs:	<del></del>
Phone:		Cell Phone:	r				(0
E-Mail:		Website:					Stapl
Place of Employment:		Supervis	or.				e Bu
Nature of work:		<u> </u>	<u> </u>				Staple Business Card here
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City:	St: Zip:		Website:				ard h
Phone: - x	Fax:		E-Mail				iere
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Spouse / Relative / Friend: Name:		CCNI		← (For	ater io	catio	n)
Relationship:		SSN:	O (Ob	Sex: DOB:	/	_/_	
Address:		Apt/Ste:	Cmp/Sb:	O (D : (D			
City:	County:	St: Zip		Own/Rnt/R	sd Yı	rs.:	
Phones: (H): ( ) -		Cell Phone: (	) -				
E-Mail:	Webs						
Place of Employment:			Supervisor:				
Address:			Website:				
City:	St:	Zip:					
Phone: ( ) -	Fax:		E-Mail:				
Brief synopsis of testimony:							
Cross-Ex Caveats, and Potential Im	peachment:						
	P						
Exhibit(s) associated with this witness	::			Line # from Exhi	bits Li	st:	
Electronic files associated with this wi						_	
☐ Witness requires: \$Fees; \$	Travel; \$	Lodging;	# Davs advance r	notice of court appeara	nce da	ite .	
☐ Special Needs: Interpreter, Handicapped							
☐ Associated with or provided item from "D		round Materials	". Line# Item	1:			
☐ All informal communications listed on "							
Resume or professional credentials atta							
All connections or relationships to client of	· · · · · ·					chec	<u>t</u>
Line # synopsis of deposition transcript sto Document Control #:	Dieu Full (i	Filename:	osition stored / filed:	Review	eu by:		
Client's Witness Information; W	/itness:	i licitatile.	Line # "Wit	ness Tracker Sh	eet"		

## Exhibits List Court Docket #:

Case#: Client: Court Docket #:											
#	Туре	Internal #	Name / Description	Format	Staff	Witness	S	Court Ex. #	W		
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#	Type	Internal #	Name / Description	Format	Staff	Witness	S	Court Ex. #	W		
_			d with presentation schedule $\ \square$ Exhibits cross-checked			<del></del>					
"Na ele ass No	structions: " <b>Type</b> " = Type of evidence or exhibit. Use a letter code or abbreviation such as "Dep" for Deposition. " <b>Internal #</b> " = Your internal document or other control #. lame / Description" = Note to remind you what this piece of evidence contains. " <b>Format</b> " = Kind of media this exhibit is in. It might be "Video tape," "Photograph," or an ectronic file such as a "PDF." " <b>Staff</b> " = Name of staff member in charge of this particular exhibit if there are more than one staff member. " <b>Witness</b> " = Witness name if one is essociated with this exhibit. " <b>S</b> " = " <b>Status</b> ," whether the item was <b>P</b> re-Offered, <b>S</b> ubmitted, <b>A</b> ccepted or <b>E</b> xcluded. " <b>Court Ex. #</b> " = Court's Exhibit # if item was Accepted. " <b>W</b> " = totation of whether or not a more detailed "Exhibit Worksheet" was filled out for this particular item and included in this Trial Notebook.										
Do	cument	Ctrl #	Filename:			This p	age i	s#of			

## **Exhibits List**

		Clerk	of the Court C	ommunication						
Inte	rnal Case #:		Client:							
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show the	ose dates regardless if Incoming or Outgoing <b>a</b> " = Method of delivery, i.e. US Mail, FedEx, udge, <b>O</b> pposition, or <b>I</b> n-house only. " <b>F</b> " = A c	communication. " Courier, Email, etc	Tracking / Deliver	y ID#" = Tracking # of Incoming " = Date a response is due, either	items or Proof of	of delivery for Out	tgoing	j item	ıs.	
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Re:									Assoc. w/it	em from	"Disc	overy" í	? Lir	ne #:	
Deposed:	/	/	Time:		am/pm	Recorde	ed via:		Deposed b	y:					
Full Name:							SSN	l:		Sex	: D	OB:	/	/	
Address:							Αŗ	ot/Ste	Cmp/Sb:						
City:						St:	Zip:			C	)wn/Ri	nt/Rsd	Yrs:		
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Nature of w	ork:														re
Closest frie	nd or r	elative	(spouse	if mar	ried): Na	ıme:						<b>←</b> (F	or la	ter loc	cation)
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☐ Full "Subj	ect Dat	a File" S	Started or	backgr	ound che	ck perforn	med. 🔲 Re	esume or	professional c	redentials	s attach	ned 🔲 P	hoto	attac	hed
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Line # synop			n transcr	pt store	ed in:				eposition store	d in:		_ Revi	ewed	l by:	
Document C							File	ename:							
OPPOS	ITION	'S WIT	NESS: N	IAME:					Line # '	<b>'Witnes</b>	s Tra	cker S	hee	et"	

## **OPPOSING CLIENT**

Opposing Client is:   Plaintiff   Defendant		Opposing	g Client is: 🔲 Person(s) 🔲 Business Entity
Opposing Client is: 🔲 Sole Client 🔲 Main Clier	nt of Group numbering:_	or Client #	of this group 🔲 Member Class Action
Name:	SSN:		Sex: DOB:/_/
Address:	A	pt/Ste: C	Cmp/Sb:
City: Co	: St:	Zip:	Own/Rnt/Rsd:Yrs:
Phones: (H): -	Cell Phone: (	) -	
E-Mail:	Website:		
Place of Employment:	Title:		
Address:	Supe	rvisor:	
City:	St: Zip:		
Phone: ( ) -	Cell Phone: (	) -	
Fax: ( ) -	Other Phone: (	) -	
Website:	E-Mail:		
☐ Full investigative "Subject Data File" started ☐	in "Discovery" file started	☐ "History" shee	et filled out 🔲 No Civil or Criminal History
Attorney(s):			
Firm:		( _	Full "Opposing Counsel" data sheet filled)
Address:		Suite:	
City:	St: Zip:		
Phones: (H): ( ) -	(W): ( )	-	X
Fax: ( ) -	Cell Phone: (	) -	
E-Mail:	Website:		
Synopsis of Opposing Client's Case:			
Impeachment Notes:			
Caveats:			
			Extended Narrative of all notes is attached.
Summons served on:// Via:			Reviewed on:/ By:
Date Deposed:/_/_ Transcript filed in:			Psych Evaluation. Reviewed by:
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OPPOSING CLIENT Name:

### **Juror Post-Trial Interview**

Please tell us about your experience as a juror. This will help us to help others in the future. I. The Case Thank you for serving as a juror on the case of The case was about The trial started on and lasted until ending in a verdict of Meaning that was found The Court Was the court room comfortable? ☐ Yes ☐ No. Was the juror seating area comfortable? ☐ Yes ☐ No. Did you feel the judge was understandable and effective? ☐ Yes ☐ No What about other staff? ☐ Yes ☐ No Was the jury deliberation room comfortable or functional?  $\square$  Yes  $\square$  No. Tell us what could be done to have made the facilities better for you: III. **Their Case** "Their Case" was and "they" means Did they give a clear, concise presentation? ☐ Yes ☐ No Good points about their case / presentation: Bad points about their case / presentation: **Our Case** "Our Case" was and "we" represented Did we give a clear, concise presentation? ☐ Yes ☐ No Good points about our case / presentation: Bad points about our case / presentation: The Verdict You voted Is this the way you still feel? ☐ Yes ☐ No Were the instructions given to the jury clear and easy to understand? ☐ Yes ☐ No Please don't mention any names, but how many jurors were undecided at first? Please give us a number: Did you have issues or difficulties with the other jurors? ☐ Yes ☐ No **Your Overall Experience** Overall, how was it? ☐ Good ☐ Bad ☐ Other. If "Other" please explain: Was it okay to take time off from work? ☐ Yes ☐ No. Please tell us more: Would you be willing to be on a jury again? ☐ Yes ☐ No. VII. Other Thoughts: Please tell us in your own words if there is anything else you would like us to know. **Your Information** Name: Juror #: Signature: Date:

## **Daily Court Journal**

Da	<i>/</i> ·	Data:	1 1		Client:						
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Daily Court Journal (page 1 of \_\_\_)

# Daily Court Journal (page \_\_\_ of \_\_\_)

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Daily Court Journal (page \_\_\_ of \_\_\_)

## **Trial Notebook Final Assembly Checklist**

(On completion of this checklist, place this form in the Trial Notebook as the very last page behind "Index & Reference")

Inter	nal Case #:		Client	(s):				
Cour	t Docket #:		Lead /	Attorne	әу:		T	
	Hardcopy Notebook	Primary	Assem	bly	Trial Start Rev	/iew	Mid-Trial Rev	/iew
V	Section Assembly	Date	е	IN	Date	IN	Date	IN
	Trial Information Cover Sheet	/	<u>/</u>		//			
	1. Pretrial	/	/		//			
	2. Voir Dire & Jury Info	/	/		//			
	3. Opening Statements	/	/		//			
	4. Presentation Schedule	/	/		//			
	5. Witnesses	/	/		//		//	
	6. Exhibits	/	/		//		//	
	7. Law & Court	/	/		//		//	
	8. The Opposition	/	/		//		//	
	9. Closing Statements				//		//	
	<sup>10.</sup> Jury Charge				//		//	
	11. Verdict & Post Trial				//		//	
	12. Daily Journal & Miscellaneous	/	/		//		//	
	** Index & Reference	/	/		//		//	
	All sections cross-checked w/ Discovery	/	/		//		//	
		/	/		//		//	
	Additional Formats							
	Electronic Copy of Trial Notebook done	/	/		//		//	
	Electronic Files Saved in all Formats	/	/		//		//	
	Files saved on dedicated laptops	/	/		//		//	
	Files saved on unique flash drives	/_	/		//		//	
	Files backed up on CD and/or DVD	/	/		//		//	
		/	/		//		//	
	Pre-Trial Content Review							
	With Presenting Attorney(s)	/	/		//		//	
	With Client(s)	/	/		//		//	
		/	/		//		//	
	All items and sections cross-checked	/	/		//			
	with "Day of Court Checklist"							
				Filename:				
	"Date" = Date this item wa	s checked /	approve	d. " <b>II</b>	N" = Supervisor's Ir	nitials.		

Day of	Court	Che	cklist
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Use this as an in-house checklist when prepping this case for its first day of trial. Having all components together means you won't have anything to S.W.E.A.T.: (Staff Witnesses Exhibits Accessories & Trial Notebook)

together means you won't have anything to S.W.E.A.T.: (Staff Witnesses Exhibits Accessories & Trial Notebook)				
	Trial Date:/ Court: of			
	Client(s):			
	Internal Case #: Court Docket / Case #:			
	1. Staff			
	Presenting attorney(s) ready:			
	Notified all support staff: 🔲 Paralegal Team 🔲 Investigators 🔲			
	All arrangements for ☐ travel ☐ lodging ☐ meals ☐ parking (\$\$) ☐have been made.			
	2. Witnesses			
	All subpoenas verified as issued and received.   Travel and arrangements for all Witnesses complete.			
	All witnesses on Client's Witness List have been notified of the trial start date, time, and location.			
	All witnesses scheduled to appear today/ are confirmed as ready.			
	Exception to Witness readiness:			
	Staff in charge of Witnesses:			
	3. Exhibits			
	All Exhibits listed on Exhibit list accounted for and stored at ready to transport.			
	Boxes # through prepped and ready. 🖵 Electronic files tested and backed up.			
	Exceptions to Exhibits readiness:			
	Bench Copy of Witnesses & Exhibits checked 🔲 Exhibit List Bench Copy complete 🔲 Juror Notebooks done			
	Staff in charge of exhibits ready:			
	4. Accessories			
	Laptops #'d, andloaded & checked.			
	Power cords 🔲 Connector cables all devices 🔲 Batteries for all devices checked 🔲 Extra batteries all devices			
	Laptop Remote Control 🔲 Tape Player / Recorder 🔲 VCR 🔲 DVD Player 🔲 Laser pointers 🔲 Stick Pointer			
	CD / DVDs #d: through Thumb Drives #d: through			
	All listed devices, backups, and peripheral devices compared to court's electronic communication system.			
	Projector 🔲 Extra bulb 🗋 Screen 🔲 Connector Cables 🔲 Printer 🔲 Printer Paper 🔲 Extra Ink/Toner			
	Dry Erase Board 🔲 Dry Erase Markers 🔲 Eraser 🔲 Easels 🔲 Poster Paper 🔲 Markers 🛄 Tape 🔲 Tabs			
	All cell phones charged 🔲 Wall-adapter cell phone chargers 🔲 Cigarette lighter adapter cell phone charger			
	Staff in charge of audio visual, accessories, and peripherals:			
	5. Trial Notebook			
	Trial Notebook Final Assembly Checklist completed and signed. 🔲 Trial Notebook loaded with Exhibits.			
	Staff in charge of Trial Notebook:			
	Supervisor's Signature: Date:/			
	Filename:			

## IV. Putting it All Together

We started off with a short "Introduction" to make sure we're all on the same page with what this ebook is about, we gave you a suggested Trial Notebook layout under "Basic Structure," we provided a few of our many detailed templates in "Useful Content" and now it's time to wrap it up and talk about "Putting it All Together." Here we'll discuss the thoughts, tips, and tricks we'd like to pass along so you have more in your toolbox to help with Organizing Your Materials, Physical Assembly of Your Notebook, Handling the Computer Files, and Prepping for Trial.

The first tip we'll give you here is the first item under "Top 10 Reasons to Create a Trial Notebook" from the Introduction section which is that reading through it is educational in and of itself. For that reason and that reason only, we've categorized the tips below but have not put them in any sort of additional order (contrary to our own admonishment to always be organized). Our feeling is that if you read through all of them, you'll learn more than if you only skipped through looking for certain things.

### **Organizing Your Materials**

These are the tips that can apply to the notebook, to your office, or to how you gather your pieces for trial in the first place. Like we said earlier, structure is good and structure depends on having all your resources together and organized.

- When do you start putting your notebook and related files together for trial? The answer is "Yes! Sort of." You should always organize all your data from the very first second a client calls your office. That's generally a given. And, you should be able to lay hands (or mouse) on these files at any given moment, because if you have to spend too much time sorting through your gathered data you're wasting valuable Trial Notebook assembly time. However, you don't want to jump the gun; you don't want to waste company time assembling a Trial Notebook until it's certain you're going to trial. So balance the two and stay organized from day one and you'll be ready to start on your notebook and trial prep should that become necessary.
- A key hint: Once you decide on a Trial Notebook structure, use that layout exclusively (in both hardcopy and softcopy formats) and make sure all attorneys and all staff members learn which parts are where. Familiarity improves speed of use.
- Putting your Section Cover Sheets into your Trial Notebook first turns the whole thing into its own to-do list making your life a little easier. Now all you do is fill in the blanks.
- If you use a color scheme for tabs, page color, highlights, printed text, etc., make it a uniform system for every case worked, and keep a legend in your office, and in the Trial Notebook. Do the same with your fonts or typestyles. One font might mean one thing, one font might mean another. Use a uniform system for bolding, italicizing, highlights, etc.
- However, regarding font colors, highlight colors, font style, bullet points, and all that to signify certain things, the first question to ask is, "Just how complicated do you want things to get?" It would be easy to get so bogged down in signaling, that you spend all your thought energy trying to figure out what a particular marker color means and you lose track of the more important points behind what you're doing. If you choose a highlight or symbol system make it simple.

- Hint: One of the many cross-reference things you should do is when you have an issue to bring out in recorded deposition, mark the location by line number in the hardcopy transcript and cross-reference that to time / marker location on video or audio (such as minutes or seconds). Caveat: If you're using the court's equipment, know how it marks or tracks the location of video or audio segments and you certainly want to know if it doesn't track or mark parts or segments at all.
- Consider having a "Hold" sub-tab for witnesses or exhibits you have decided against using or extras you're keeping in reserve. This keeps their info handy in case they later prove necessary.
- The key step in creating a great Trial Notebook is to organize your information from the very beginning. Use forms, templates, or whatever it takes to avoid having to go back and decipher unorganized notes from legal pads, etc. Most everything in life is like a computer; "Garbage in, garbage out." Your Trial Notebook will be the same. Keep things organized from the beginning.
- Hint: Keep your old Trial Notebooks even if the case is long closed. Lessons learned in one trial
  often carry over to others, and this is definitely true if you focus on a narrow specialty.

### "Top 10 Productivity Tips for Trial Notebook Assembly"

- 10. Avoid emails, phone calls, and other distractions. If you have to, leave the office to work.
- 9. Do you work better with regular breaks, or with unbroken continuous work periods?
- 8. Focus on only one trial at a time. Some offices try to "mass produce" and it can backfire.
- 7. What's your most focused time of day? Are you a morning or night person? Work then.
- 6. Work from a Trial Notebook checklist (like this ebook) or refer to a good one you made before.
- 5. Check your supplies. Do you have paper? Ink? Your laptop power cord? Set up for success.
- 4. Copies of all pertinent materials and documents should be on hand. Searching wastes time.
- 3. Have all production components on hand: notebook, laptop, CD/DVDs, thumb drives, etc.
- 2. Does something like coffee or food work for you or against you? Adjust your diet accordingly.
- 1. Work alone or in small numbers for the first assembly. Let a team review later.

### **Physical Assembly of Your Notebook**

- If you use numbered tabs, make sure you have a key in the front, the back, and in the Daily Journal section so you can easily find sections from the most likely places you'd be while you're in court.
- Preferably, you label your tabs using words. If you do, make sure the tabs are labeled on both sides. Remember, any awkward flipping or extended time searching looks bad in court to all present.
- Another hint for your tabs is to color code them. Use one color for your exhibits, another for items from the opposition and so on.
- Every section should have at least one cover, the tab divider page. This keeps prying eyes off your documents. In our profession there have been too many incidents of "prying eyes" causing problems with cases or court proceedings. Keep this same thought in mind when you have your laptop screen up.



Use cover sheets and exercise caution in court to keep prying eyes off your documents!

Consider getting a screen cover that only permits viewing from a very small direct angle, or at least have your "sleep mode" or screen saver only a keystroke away (so you can blank the screen without having to wait for it to time out).

- When making secondary books for others, i.e. judge, jury, and opposition, you might be tempted to scrimp on the opposition's if you even do one at all (for discovery). But, remember this; what goes around comes around. Play fair, be nice, and treat everyone well. Consequently, you don't want to spend too much money on the notebooks otherwise it looks like you're trying to bribe, influence, or at least curry favor.
- Production hint: Since your notebook will be flipped through a lot, you'll need a little durability with the pages and the punched holes if it's going in a three-ring binder. First, print all your documents for the notebook on a slightly heavier paper. Standard printer / copier paper is a 20-pound paper. Go with about a 24-pound paper. Also, run a strip of cellophane tape down the inside margin of the paper on the front or back side before punching it for the binder. This is a much easier reinforcement than trying to go back later with those little adhesive "donuts" that fit around a punched hole.
- If your finished notebook is on the ponderous side, get in the habit of taking out the pertinent pages when you need them (such as your opening or closing statement outline) and immediately replacing the pages when done. Note: As much as anything else, the proper use of the Trial Notebook helps in creating good organizational habits and one leads to the other. Creating good Trial Notebooks teaches organization, and good organizational skills help in creating good Trial Notebooks.
- For your physical notebook, use only one if at ALL possible! It's not a case of "all your eggs in one basket" since you have redundant softcopy backups, but being the easier format to use, it looks better if A), you have everything under "one roof" and B), with everything together you don't forget one of the notebooks back at the office.
- You'll notice in our suggested sections list, we have 13 categories (the "Baker's Dozen" kind of 13, not the unlucky kind) though we labeled the last one with \*\* rather than a number. Here's why: You can find 12-tab divider sets along with a ton of other set sizes (5 tabs and up) at your favorite office supply store. For the odd tab, simply keep a set of blank dividers and use a different one of them each time you make a notebook. The final tab would be marked "Index" anyway so it shouldn't matter if the rest of your sections are divided by numbered tabs or named labels. That's why the Index & Reference section is marked \*\*.
- Just as you tailor the Trial Notebook to the lead attorney, you should also tailor the Presentation Schedule Bench Copy to the Judge or Court. Different Judges or Courts may prefer (or outright require) different formats. The thing to check is whether they would appreciate a redundant copy in a different format. For example, a court may require that all copies of Trial Notebooks be in electronic softcopy format, whereas the Judge may be "old school" and like a nice paper hardcopy. Another thing to think about is that if they do like a paper hardcopy, what are they more appreciative of? Three-ring binder? Comb binding? Spiral binding? One caveat though. Where your attorney might appreciate having that nice leather-bound expensive looking binder, giving something like that to a judge might be construed as attempted influence. Make your bench book professional and presentable yet economical.
- On the subject of sub tabs in your physical notebook: Colored Post-It ® tabs are so easy to use, but please resist the urge to use them too often. Having a few is fine when you need to mark something for quick access, but otherwise, too many looks unprofessional. (In fact, having too many will look like you just slammed your book shut on a Parrot!) Instead, you can either use a numbered set of tabs, another set of blank dividers, or a "peel and stick" tab so you can more neatly mark the subsections you need to access while in court.

- You'll notice that some of the sample forms we've provided in this ebook have the titles repeated at the top and bottom. That's because a good many of our clients prefer a top bound notebook or classification folder system and having the title repeated at the bottom makes finding a particular page easier. Consider this level of detail and thought when you go to create your own forms and pages.
- Depending on the size of the case and the amount of witnesses, exhibits, and other data, you *might* want to create two notebooks; one for your case and the other for the opposition's. This makes navigation easier, it makes division of duties easier and faster (if you have to look something up during a tense moment in court), and it makes for better portability since you only have to pick up half the material as you're pouring over one book or the other. Color-code the two notebooks if you do this. However, if at all possible, keep everything in one notebook. It's harder to lose parts that way.
- Whatever format the lead attorney prefers, have the Trial Notebook available in that format, but always, ALWAYS have a redundant backup in the other format (softcopy in several formats or hard copy). Going green is good, but earning green is just as important, so don't blow the case just to save some paper. Leave the electronic copy requirements for the volumes of paper exhibits that have to be shuttled back and forth as part of Discovery, and for eDiscovery.
- The redundant backup rule also applies to key exhibits. For example, a witness statement should be prepared in all available and applicable formats. If there is a video deposition, there should be a hardcopy transcript (verified), the video should be saved on both disk and thumb drive (flash drive) and in various video formats depending on the requirements / capabilities of your electronic equipment and that of the court. For video, an audio file backup should be made just as you'd make a hard copy transcript of the audio.
- Where it's important to have an original document, place a photocopy of the original in your Trial Notebook if needed while the original resides in your file box or is already in the court's possession as evidence. In many cases, the location of a physical piece of paper indicates its value. For example, a piece of paper in the Trial Notebook can have handwritten notes added at will. A piece of paper in the file box should not be touched, altered, or marred.
- If you choose something like an expensive leather binder, don't make it so expensive that you can't file it away for years at a time while the case progresses through various steps.
- You should have a sub-section on "lessons learned" in each Trial Notebook, or at least as part of your "Court Journal." After all, it's called *practicing* law.
- Speaking of detail, please notice that we did not number this ebook like a normal book. We started with the very first title page because we knew we would be giving this book away in PDF format, and we wanted the PDF's page numbers to match the ebook's page numbers. This is another tiny example of not only the kind of detailed thought we apply to what we do, but an example of the detail you should use.



Though this is a hardcopy notebook, it doesn't help. Work from templates, forms, and checklists.

### **Handling the Computer Files**

Even if most of your data storage is electronic, and discovery is eDiscovery, we still suggest you
have a hardcopy version of your Trial Notebook. The more important the situation, the more a
little redundancy is your friend.

- Thumb drives should all be labeled with a name, case number, or drive serial number and that information entered into the "where stored" blank on your various forms and Index & Reference.
- Laptop computers should also be inconspicuously labeled. There would be nothing more embarrassing than to say "Oops! I left that file in my other computer!"
- Just as you have your Trial Notebook in both hardcopy and softcopy formats, your electronic information should be saved in a variety of formats to ensure universal accessibility. Save things in their native format and make electronic copies in PDF, TXT, DOC, PPT, or XLS formats. For example, if you have a PowerPoint ® presentation you'd like to make, only the PowerPoint software doesn't want to cooperate, you can save the PPT or PPS file as a PDF and use Adobe to show the slides. You'll lose some of your special effects, but it will work in a pinch.
- Now that we've mentioned the possibility of losing your special effects, we feel it prudent to ask you to not use special effects unless absolutely necessary. Keep things simple for the jury.
- Your hardcopy and softcopy pages should look just alike. Use the same document format in your physical notebook as you do on computer. If you have to switch back and forth you want to be able to read and navigate one as easily as the other and having to decide which is what or where on different formats does nothing but waste time and cause confusion. Uniformity is one of the keys of efficiency.
- If your firm handles a variety of cases, come up with a case and file numbering system that will tell you at a glance what type of case you're working (criminal vs. civil, tax vs. tort, family vs. corporate, etc.) and also whether or not you're representing the plaintiff or defendant.
- In your softcopy version, you can use internal hyperlinks from key words or names to definitions, exhibit notes, or background info. Internal hyperlinks are easy to make in most word processors.
- Become an insatiable file saver or backup person. Learn the "save hotkey" for any software package you might use. For example, in Microsoft Word ® and Excel ® hitting "Ctrl S" (the Control key and the letter S key) will save the current document. You can make it an almost unconscious habit to hit Ctrl-S every minute or so and never have to worry about losing important files in those "Murphy's Law" moments where the power goes out or the computer "hiccups." Also, change the "auto save" time length. For Microsoft Word ® you do this by going to "Tools" then "Options" then click on the "Save" tab. You'll see an option that says "Save AutoRecover info every..." and then you'll see a box where you can change the number of minutes governing how often the auto-save feature saves your current file.
- One of the things we constantly point out to people is that the software systems that came loaded on their computers are probably far more useful than most of us know. They'll do so much already that we tell most of our readers / clients to learn what their computers will do already before investing in higher-end softwareoriented case management or trial notebook packages.
- Check all flash drives, files, and file storage devices for viruses, spyware, and keystroke loggers before loading them on your office computers and certainly before loading them on the computer you'll be taking to court.



Though we focus on hardcopy Trial Notebooks, never walk in to court without a softcopy backup.

• Consider adding a small box to each document template you create for your office where you show the filename for the template. This helps you find it more easily because you don't have to

stop and think "Now which of these cover sheet filenames is the one I want?" You'll notice on some of our forms we provide that same item along with a blank for "Document Control #."

- Make sure pretty much everything you do or create has some sort of internal "Document Control Number" such as "Bates Numbering." Hint: If you have your files saved in Microsoft ® format(s), they're searchable for keyword content. This means that if you know a document control number and it's typed into a document somewhere, you can tell various search features already loaded with Windows ®, to search inside a series of documents to find the document(s) containing that number (or any other key word or phrase).
- In addition to your firm's internal document control number, be sure to list accepted / admitted items by the court's exhibit number and cross-reference with your "Index & Reference" section.
- Hint: Assign an ID number to your thumb drives, or at least label them with the case number for the trial. Do the same with CDs / DVDs, and other removable storage devices that will be dedicated to this one particular case or trial. In addition to labeling them, list them in the Index.
- Another hint: When upgrading laptops or buying new ones, try to make sure they all match and that they all use the same version of the same operating system. This way everyone knows how to work all the computers. Uniformity is one of the keys to efficiency. Speaking of computers:
- "Top 10 Qualities of a Good Software-Based Case Management / Trial Notebook System"
  - 10. The software's system requirements match the capabilities of your firm's computers.
  - 9. The package's features and functions are an exact match to your office's needs.
  - 8. Use is intuitive and does not require much training. And if it does, training is included.
  - 7. There are no hidden fees such as "per station," "per time period," "number of cases," etc.
  - 6. The software company does not place a great deal of emphasis on useless features.
  - 5. The package won't be obsolete in just a few months, unless upgrades are very low cost.
  - 4. You can recoup the cost of investing in the software in a very short period of time.
  - 3. The package is customizable by the user and can change and grow with the firm's needs.
  - 2. Tech support is free and available 24 hours a day, 7 days a week.
  - 1. Tech support is staffed with operators you can understand and who can understand you.

#### **Prepping for Trial**

This part might seem redundant since this whole ebook is about prepping for trial, but this portion is a small set of ideas to help get you ready for court that have little to do with *making* a Trial Notebook, though some parts are related, and more about *readying* you to use your notebook in trial. We just felt compelled to give you all the help we could.

- Use the same Trial Notebook template / model for all court cases, not just the bigger more important ones. The reason being, you want to know your Trial Notebook system forward and backward so when the more important cases come up you're focusing on the case and not trying to remember all the details you need in your files.
- Call a colleague, preferably someone in the same firm but uninvolved in this trial, to read through your notebook. It should make sense to them even though they may be unfamiliar with the

issues, people, and exhibits. They should feel like they could take on the case if your notebook was handed off to them.

- Prepare an "office supply box," a small one, and keep handy items such as paper clips, stapler, binder clips, markers, breath mints, etc. (Hint on mints: These help make sure the presenter's throat is hydrated and their voice is as smooth and even as possible.)
- Review the Trial Notebook with available staffers, even if not all of them are involved in that particular trial. This does 2 things. One, it gives you fresh sets of eyes and ears who can help you spot errors, inconsistencies, or contradictions, and two, if a firm member who is part of the trial is absent for whatever reason, their replacement is at least a little familiar with the trial's focus and issues.
- One of the worst things you can do is sit in front of your client the day of (or just before) trial and put your Trial Notebook together. The Trial Notebook should be in a constant state of assembly from the day trial is a probability. Last minute efforts do nothing but undermine your client's confidence in you as their legal representative. Since one of the purposes of a good Trial Notebook is client confidence, they should get to see the Trial Notebook assembly in progress and should be asked on occasion to review portions thereof. Indeed, the act of a thorough investigation itself will almost produce your Trial Notebook in rough draft format.
- Review with the client is good for several reasons. First, the chief complaint among clients is a lack of communication from their attorney. Second, trial is nerve wracking on any client regardless how many times they may have been there and knowing how thorough your preparations are can help make them more at ease. Third, they may be able to add that one crucial detail that you either omitted or they forgot to tell you (better to know now). Fourth, review also reconfirms to the client their position in the trial so as to reinforce reasonable and legitimate expectations of probable outcome and preps them so they know what is going to happen and when during the trial process.



When possible and permissible, let your client review your work.

- Another thought with having your client review your material with you is potential malpractice reduction. Though your client is a layman so to speak, and has hired your firm as their representative, you might allay the claims of "I didn't know what was going on" or "I didn't know that was going to come up in court" or "My attorney never communicated with me" by including the client in as many steps as possible. This is the reason you'll find "Client's Signature" or "Reviewed by Client" on some of the Trial Notebook forms. Though this holds little to no weight regarding existing precedent, good communication and documentation can go a long way toward protecting you on a number of fronts against unforeseen issues.
- If you have multi-media presentations or slide shows, practice presenting them as often as you can. Being familiar with the material and smooth in its presentation carries a lot of weight regarding your image and how you're perceived in court.
- Also keep in mind that "prepping for trial" is an on-going process that doesn't only occur when a case is scheduled for court. There are quite a number of skills above and beyond good Trial Notebook assembly that lend themselves well to success in a court of law. On the next page we've put together a quick list of eleven different ways to keep yourself ready for trial.

### "Top 11 Ways to Improve Your Trial Skills"

- 11. Volunteer to help the indigent. Practice makes perfect, so the more time spent in court...
- 10. Take a creative writing class. This will help teach creative thought and organized writing.
- 9. Take law-related Continuing Ed classes through your Bar Association or local college.
- 8. Be part of a Debate Club. Practice combining reason, logic, and persuasion.
- 7. Take Software Classes. The better you are with a computer, the easier presentations will be.
- 6. Join a mystery book of the month club. Reading a good mystery is good brain exercise.
- 5. Constantly work word, math, and spatial puzzles to keep your analytical brain exercised.
- 4. Take a course on private investigation. This will also help develop analytical thinking.
- 3. Visit an image consultant. How you come across to others in court is very important.
- 2. Watch your diet, rest, and exercise. Stable energy levels help you focus and concentrate.
- 1. Join Toastmasters. The better you can speak in public the better you'll be in court.

Since we like adding our little numbered lists, here's one more to condense some of the more important points we've made to sum up this section:

### Putting it All Together - A Final Step by Step Synopsis:

- 1. Put together your Trial Notebook shell using a three-ring binder and the tab dividers.
- 2. Insert the Trial Information Sheet and fill out the Section Cover Sheets.
- 3. Load the Trial Notebook using the Section Cover Sheets as your "to-do" checklists.
- 4. Coordinate the loading of your Trial Notebook with the organization of your electronic files.
- 5. Print your "Index & Reference" pages and insert them in that section.
- 6. Review each section with the supervisor, presenting attorney(s), and the client.
- 7. Record the fact that each section was reviewed on the section's cover sheet.
- 8. Compare the hardcopy Trial Notebook to the electronic version.
- 9. Review your redundant electronic backups to make sure all presentations will work.
- 10. Fill out your "Day of Court Checklist" to help you remember everything you'll need.

One of the things that will make your life easier is if you had everything you needed not only for assembling a Trial Notebook at the click of a mouse, but the detailed checklists you'd want to have when working the whole case from the beginning so as to not miss a single detail. The one thing worse than you not having something like this is if your opposition does!

This next section is important since it's here you'll learn about the origin of everything you've been given so far, and a valuable resource that can make your law office management, case management, and Trial Notebook production much simpler. Let's learn about the source.

### V. About the Source

Everything given to you thus far has come from <u>The Attorney Case File</u>. <u>This</u> is the package you need that will make all the difference in the world with organizing your cases, work product, and trial appearances.

The Attorney
Case File

Investigation Marketon
Confront Michigan
This Marketon

The few sample forms we've provided here don't even begin to do the system justice. The Attorney Case File is a three-component system made up of nearly **200 pages** of interrelated forms, templates, and checklists, all of which carry the detail to keep you on track, the appearance to enhance your professional image, lifetime usage for one single price, at a cost low enough to recoup your investment when you save <u>one</u> billable hour. How much time has this ebook alone saved you already?

The three components are the Case / Client Workbook, Investigation Workbook, and the Trial Notebook:

- 1. **The Case / Client Workbook** acts as the central coordinator for all your cases and works with a variety of types of law whether you're working a criminal defense case, either side of a civil case, or any number of other areas of law.
- 2. **The Investigation Workbook** is a complete "investigation in a box." If you hire outside investigators, you can set the parameters under which they operate and make sure they don't miss a detail. If you have an in-house investigator, this section helps set them up for success like no other package available from any other source.
- 3. **The Trial Notebook** is made up of the forms and worksheets you've seen here and more. Like we said, there's only enough room in an ebook to give you a few pages.

The next thing you should do is visit our site to learn more about our complete system and the long list of benefits we don't have room to list here.

"A lifetime of case management for less than the cost of one billable hour."

Click here: The Attorney Case File

And by the way, for our readers who've invested the time to put all this material to use, we have one last little benefit for you: A coupon code for \$50 (20%) off of The Attorney Case File.

Use discount code #: 857123358

(A final note: About the "accident scene" photo on page 12. Yes, it's a fake. We were sitting around with some crime scene tape, red electrical tape, one of our web pages we were working on, and too much time on our hands. That's when things happen! Just thought you should know that no people, animals, or trees were harmed in the making of this ebook although billions of electrons were temporarily inconvenienced.)