

PRE-TRIAL CONFERENCE

CHECKLIST- DEPT. P2

This checklist will be addressed at the Readiness Conference. Please come to the Conference prepared to discuss the issues listed.

Trial Length Issues:

- Time estimate _____
- Waiver of jury trial? _____
- Expedited Jury Trial? _____
- Posting of jury fees? _____
- Media coverage expected? _____
 - Need to inform jurors of expected media coverage? _____
- Type of action _____
- Relief sought _____
- Causes of action remaining in case and affirmative defenses _____
- Identify parties remaining in case and any defaulted parties; dismiss Does/Roes _____
- Number/Names of witnesses: _____
- Have you ascertained their availability? _____
 - Need to call witness out of order? _____
- Procedure to identify which witnesses will testify each day _____
- Will witness assert a privilege? _____
- Are they all needed? Cumulative? _____
- 402 hearings? _____
- Interpreters? _____
- Special Needs:
 - Hearing Impaired? _____
 - Wheelchairs? _____
 - Other needs? _____
- Will any witnesses testify by deposition? _____
 - Lodging of original depositions? _____
- Video? _____
 - Get written version before it is edited. When? _____
 - Rule on objections before editing. When? _____
 - Equipment available? Equipment working? _____
 - Sharing of equipment? _____
 - When will equipment be set up? _____

- Reading of depositions? _____
- Rule on objections before reading. _____

Stipulations:

- Can anything be stipulated to? _____
- Foundation of exhibits? _____
- Admissibility of exhibits? _____
- Qualifications of experts? _____
- Court reporter? One reporter? Share the expense? _____

Voir Dire Issues:

- Number of jurors needed from jury pool? _____
- 18 pack will be used
- Stipulation to fewer than 12 jurors to decide case? _____
 - If fewer than 12, same number of peremptory challenges? _____
- Alternates designated at the end? _____
 - Example: Stipulate to choose 14 jurors & not select alternates until jurors start to deliberate.
- Will there be a questionnaire? _____
- Mini opening(s) allowed? _____
- Waive court reporter for jury selection? _____
- How hardships will be handled by Judge _____
- How challenges for cause will be handled _____
- Time guideline for voir dire _____
- Are there issues that will need to be discussed privately with jurors in chambers? _____
- _____
- _____
- Number of peremptory challenges? _____
 - How many sides are there? _____
 - How many per side? _____
 - Will the parties on each side work out the allocation of challenges for their side? _____
- _____
- Are there going to be binders with important documents for the jurors? _____
- _____
- Are you going to allow the jurors to ask questions? _____
 - Orally? _____
 - Written? _____

Exhibits:

- Pre-numbered _____ When? _____
- Use in opening? _____
- Will technology be used? _____
 - Who will set it up? _____
 - Who will operate it? _____
 - Type to be used? _____
- Exhibit notebooks? _____
- Jury notebooks of certain exhibits?
 - What exhibits will be included? _____
 - Who will give them to the jury? Parties? Court? _____
- Are there any documents that need to be translated? _____

Settlement:

- Do the parties want to talk settlement? _____
- Finding a settlement judge/ADR _____
- Can assigned Judge hear it? _____

Motions in Limine:

- Are there motions in limine? _____
- Have they been ruled on? _____
- If they are to exclude witnesses, does a 402 hearing need to be set? _____
- Motions to bifurcate? _____ When? _____

Jury Instructions and Verdicts:

- Is there a stipulation as to instructions/verdict form? _____
- Have the parties started preparing them? _____

Stipulations:

- Statement to read to the jury panel. _____

- Stipulations to dismiss certain parties/causes of action. _____

- Stipulations as to any other matters. _____

Courtroom Procedure:

- Hours of trial _____
 - Attorneys ordered to be on time _____
 - Contact telephone numbers from attorneys for clerk _____

- Stand/not stand when addressing the court _____
- Approach/not approach witnesses _____
- No “speaking” objections _____
- Other Issues _____

- Catch-all questions for attorneys:
 - Anything you want to ask judge?
 - Anything we need to know that we haven’t covered?
 - Are we ready for trial?