

The Litigation Paralegal's Trial Survival Kit

By Teresa L. Semerena, ACP

All the pretrial deadlines have been met or have passed, exhibits and witness lists exchanged and next on the list is trial. Unfortunately, the progression orders never include a handy dandy checklist of items and tasks to be completed by the paralegal when proceeding to trial. Here are some of the things I have found essential to survive trial. It is not all encompassing, but it is a start and if nothing else, may prompt you to think of other essentials.

✓ Contact Information

You will want these readily available for anyone you may need to be in touch with during trial, especially your witnesses. You will want your witnesses to provide as many options to reach them as possible, even if that includes their mother's number. Once the trial begins, it takes on a life of its own and well laid plans and schedules for testimony can go by the wayside for a multitude of reasons. That is why I like to send a letter with subpoenas requesting the witnesses call me with their best contact information. I notify them that ideally we plan on having them testify at such and such time, but as the trial progresses I will stay in close contact with them and provide schedule updates.

✓ Maps

Have maps ready for the location of the courthouse and identify parking areas.

You may want or need these for your witnesses and/or your attorneys or co-counsel. In addition to having maps ready to distribute, scope out places to go for lunch



to regroup and prepare for the next grueling session of trial. Everyone will be very appreciative of having a location chosen or being provided with good options to choose from. Trial is exhausting and time is of the essence.

✓ Know the Courtroom and Its People

You will want to know the layout of

the courtroom you will be in. Visit it and speak to the bailiff, court reporter or other courtroom personnel for information on setting up any demonstrative exhibits or positioning equipment and tables. You want the attorney to be able to walk in on the day of trial and get to work as quickly and efficiently as possible.

✓ Audio & Visual Equipment

You may need to make arrangements for audio and visual equipment. Some courtrooms have the equipment available but it will need to be reserved ahead of time or in the alternative, you may need to contract with an outside vendor for equipment. Once you have the equipment in place, make sure you know how to operate it or if you are not going to be present at trial, adequately instruct the attorney on how to use the equipment. It will save time and embarrassment if you are familiar with the technology needed.

✓ Kitchen Sink

Just kidding! But sometimes it feels as if you need to remember or have on hand everything but the kitchen sink! Below are a few of the items I would highly recommend having ready to take to trial. You may not need all of them every time but if you do, you are ready.

- Heavy duty cart for transporting files;
- Portable easel for demonstrative

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exhibits – not all courtrooms have easels available;

- Rules of Procedure and/or local rules;
- Extra legal pads;
- Fishing tackle box – fill one of these with office essentials such as pens, pencils, highlighters, paperclips, tape, scissors, rubber bands, small calcula-

tor, post-its, erasers, the invaluable rubber thumb! (Face it, we still deal with more than our fair share of paper most of the time), and anything and everything you can think of that you may need and will fit;

- Petty cash – you may need this for parking, unexpected copies to be made, vending machines, etc.
- Water and mints.

Take the suggestions and create your own essentials checklist that works with your venue and attorney. You will not only survive trial, you will look good doing it.

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NALA in 2007 and her ACP designation in Individual Medical Liability in 2012. She is an active member of the Nebraska Paralegal Association (NePA) and has previously served on the board of directors of NePA in various roles including Treasurer, Publications Editor, President-Elect, President and Past President. Teresa is a graduate of College of St. Mary, Omaha, Nebraska with a B.A. in Paralegal Studies.



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