

Trial Preparation for Paralegals

BY MINDI L. SCHAEFER, A.A.S., B.A., M.S.

A paralegal's involvement in trial preparation is crucial to the overall success of a case. The characteristics of exceptional paralegals include strong organizational skills and clear, concise communication abilities. These key characteristics are important to trial preparation. While every attorney has a different approach to trial preparation and a paralegal's involvement, there are a few important items that every paralegal should know.

IMPLEMENT A MASTER PLAN FOR SUCCESS

The master plan should include a clear and concise list of job duties for each player as related to the trial. Every player on the team has a crucial role when trial preparation is in full swing. It is important that players know their respective roles, and that every player knows each other's role, as well. This will reduce tension and stress for the team.

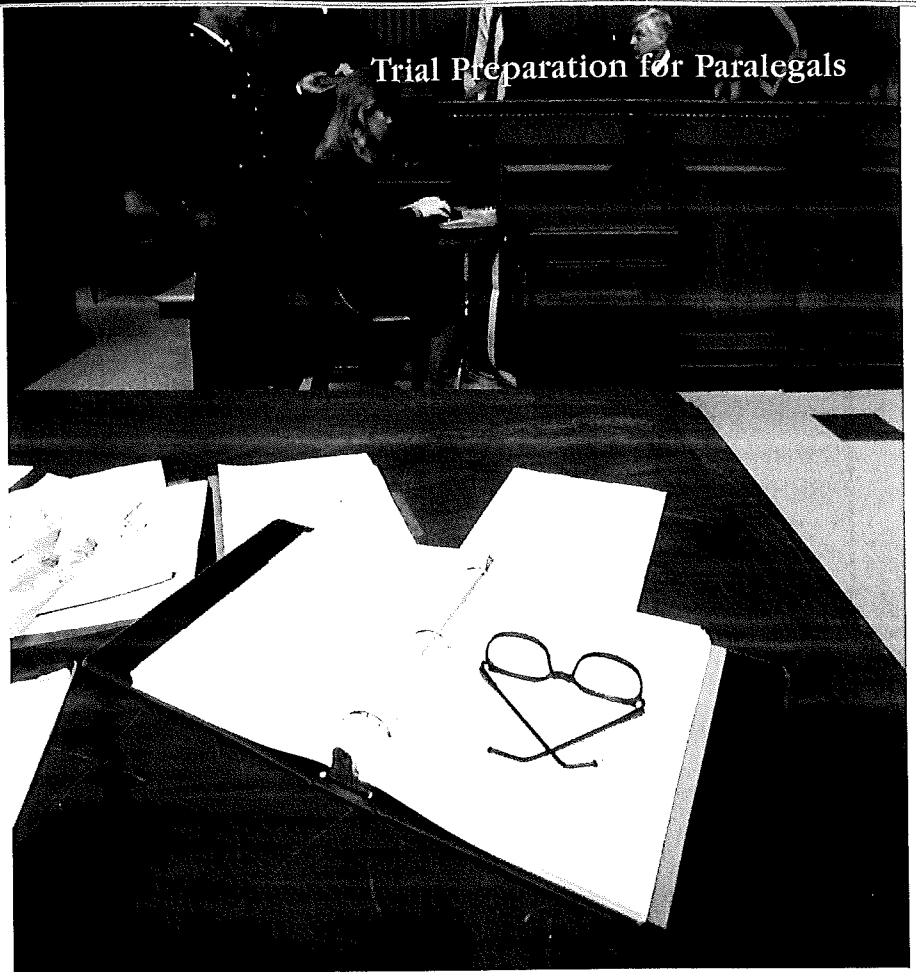
The master plan should include a timeline and/or list of deadlines for each respective task as related to the trial. Local court and state rules, and/or the Federal Rules of Civil Procedure are packed with various deadlines for trials. It is important that deadlines are communicated, monitored and adhered to in order to be successful at trial. Attorneys rely on



their paralegals to take charge of deadlines and to ensure that the attorneys are aware of the same.

MAINTAIN CRYSTAL CLEAR COMMUNICATION

Constant communication between the attorney and paralegal, clients and attorney, or experts and paralegal during trial is essential. It is important that experts are aware of when they testify, where they are to appear, and what materials they should bring with them. It is also important that clients be aware of the same details. In order to eliminate confusion, periodic updates help keep the team focused on what is important for the trial. Whether case updates or changing court deadlines, communication is key to ensuring the team's success.



PROVIDE YOUR HONEST OPINION

Many times the attorney may ask you to review his opening statement or medical illustrations in preparation for trial. It is important that you give your honest opinion on whether or not the information is clear. The attorney is counting on your opinion and honest interpretation. If you have ideas on how to use a better word or statement, or how to better present a particular exhibit, share that information with the attorney. Rely on your education and experience to be confident enough to share your ideas with the attorney.

PAPER, PAPER, AND MORE PAPER: MANAGE IT BEFORE IT MANAGES YOU

Trial preparation involves paper no matter how technologically based the attorney may want to be at trial. Exhibits, depositions and case law research can all be in paper format. Paper in trial is inevitable. The paralegal's most important job is to organize the paper — which can be a daunting, but essential, chore. Attorneys rely on paralegals to organize the documents in a manner that is easy for the attorney to access during trial.

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PREPARE "THE BOOK"

A trial notebook may be the team's best tool for use at trial. The trial notebook can potentially include the Scheduling Order and/or Case Schedule, deposition transcript logs and/or summaries of same, exhibit lists, witness lists, motions in limine, subpoenas issued for trial appearance, *voir dire*, opening statement, direct examinations, cross examinations, jury instructions, closing statement, case law, statutes, and important case notes. For ease of use at trial, the trial notebook needs to be organized in a manner consistent with the trial proceedings with necessary tabs or even sub-tabs in each section.

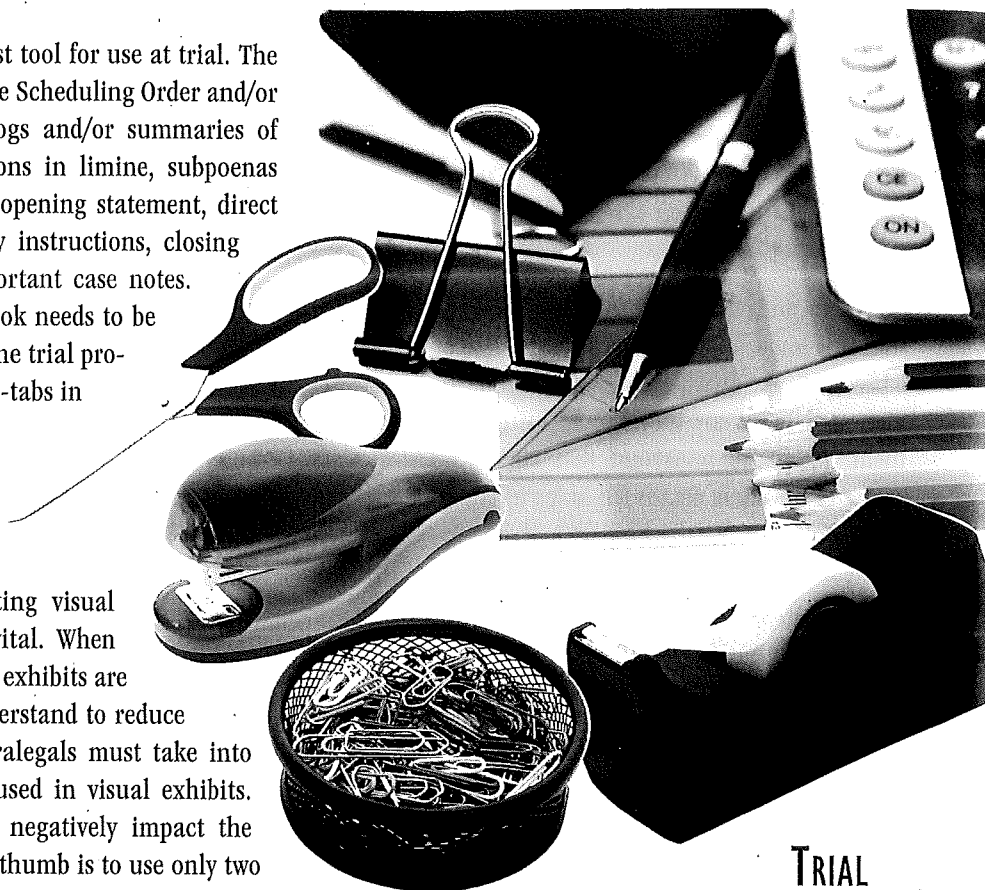
BEWARE OF THE VISUAL SOCIETY

We are a visual society and perfecting visual exhibits for use at trial is extremely vital. When preparing visual exhibits, make sure the exhibits are not overly complex and are easy to understand to reduce confusion by jurors viewing them. Paralegals must take into account the colors and styles of font used in visual exhibits. Distracting colors and/or styles could negatively impact the jurors' perception of the facts. A rule of thumb is to use only two font styles and mild, non-dramatic colors in visual items such as opening statements that will be shown in a PowerPoint® format. Prior to trial, be sure to practice with all visual exhibits and electronic components to ensure they are in working order.

STOCK YOUR TOOLBOX

While not filled with traditional items one would find in a toolbox, a paralegal's toolbox for trial can include a wide variety of office items from mints to a three-hole puncher. Examples of items found in a paralegal trial toolbox could be: pens, tablets, staples, stapler, paperclips, binder clips, flags, Post-It® Notes, hi-liters, pencils, glue, printer paper, extra binders, file folders, exhibit stickers, calculator, change for the meters, granola bars for a fast lunch, mints, water, etc. When it's trial time, this toolbox is called a paralegal's mobile office.

Trial preparation is an important time in which a paralegal can shine by doing what he or she does best. It is a time in which the skills of a great paralegal, such as strong organizational skills and clear, concise communication abilities, will benefit the entire legal team. Paralegals are vital components of any legal team and play a vital role in trial preparation.



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Mindi Schaefer has 13 years of litigation paralegal experience including extensive trial preparation experience. She received her Associates degree in Legal Assisting from Sinclair Community College, Bachelors degree in Political Science from Wright State University, and

Masters degree in Communication and Marketing from Franklin University. Schaefer is also President-Elect, Public Relations Representative, and Mentoring Program Chair for the Paralegal Association of Central Ohio. She is currently the lead paralegal and marketing specialist at Poling | Petrello in Columbus, Ohio. Schaefer can be reached at (614) 737-2914 or mschaefer@poling-law.com.