WITNESS PREPARATION CHECKLIST

* What do you want in evidence and who do you want to testify to the information
* **MEET WITH AND PREPARE WITNESS**

Mock hearing

* Preparing questions
  + What do you concede
  + How do you order the questioning- do not do it to make it convenient for the court
  + Know what is in the documents- read the DCF file, CI report, obtain your clients records etc
* COURTROOM PROCESS- your witness
  + Where to sit
  + Swearing in
  + What to wear
  + How to act in the courtroom
  + Questioning process- direct and cross
    - Difference between the form of the question
    - What to do with long multiple fact questions
    - What to do when objections are made- by you or another attorney
    - What to do if the judge asks questions
    - What to do when they don’t understand a question
    - Candor to the tribunal (Mass. Rules of Professional Conduct 3.3)
* QUESTIONING – your witness
  + Prepare Direct
  + Prepare for evidentiary objections and your response
  + Prepare cross to prepare your witness
  + Prepare for evidentiary objections and your response
  + Ensure you show witness all exhibits they could be asked about
  + What do they say and how do they say it
* QUESTIONING –other witnesses
  + Prepare cross questions (reference exhibits or other documents)
  + Have exhibits and documents ready
* EVIDENTIARY ISSUES
  + Prepare objections to exhibits
    - Motions in Limine
    - Best evidence
    - No keeper of the records
    - Expert reports not admissible
    - Personal knowledge of the witness
    - Hearsay
  + Bring objection cheat sheet
* Subpoenas
* Letters to experts as soon as you have trial dates
* Letters to witnesses with trial dates