

I Will Survive:
**Preparing for Complex
Commercial Litigation Trials**

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**PALIARE
ROLAND**

BARRISTERS


Outline

- **The standard pre-trial checklist**
 - *Rules, notices, and other non-negotiables*
- **Best practices and daily routines**
 - *Managing the record from opening to closing*
- **Out-of-town trials**
 - *Preparing your home—and office—away from home*
- **Paperless and hybrid e-trials**


The Pre-Trial Checklist

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- **Pleadings: any amendments needed?**
 - **Offers to settle**
 - **Transcripts**
 - **Undertakings**
 - **Requests to admit**


The Pre-Trial Checklist

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- **Witnesses and summonses**
 - **Pre-trial notices and preliminary motions**
 - **Productions**
 - **Check local practice directions—they do vary between regions**

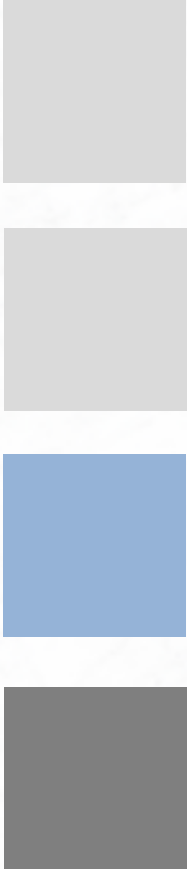
Managing the Record

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- **Hard copy joint book of documents, some options:**
 - **Empty binders and tabs**
 - **Start with a comprehensive binder and remove unreferenced documents**
 - **Daily electronic scanning of new documents**


Managing the Record

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- **Good habits pay off**
 - **Pull evidence and transcript cites daily**
 - **Create a closing argument template and update it regularly as the record develops**
 - **Keep dockets and bill of costs up to date**

Life on the Road

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- **Travel and accommodation**
 - **For you**
 - **For your witnesses**

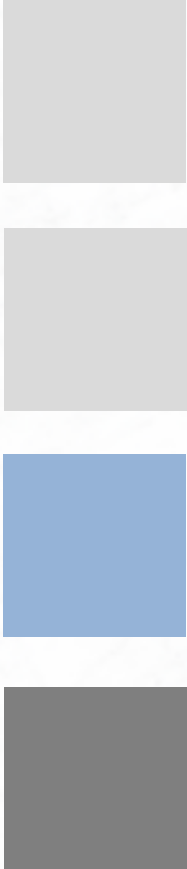
Life on the Road

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- **Plan your workspaces**
 - **Where will you...**
 - **Prepare witnesses?**
 - **Read and write?**
 - **Store documents and supplies?**


Life on the Road

- **The courthouse may have more to offer than you expect**
 - **Break-out rooms, lockers, special keys/codes**
 - **Contact local counsel for tips**

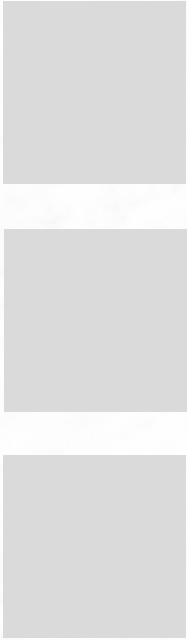
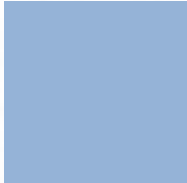
Life on the Road

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- **Stationery and devices**
 - **Build relationships with local vendors**
 - **Snacks, drinks, and other comforts**

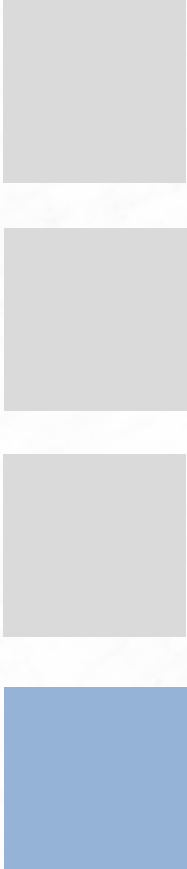
Special Preparation for E-Trials

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- **Hopefully you have already chosen...**
 - **Naming conventions/Document IDs**
 - **File formats**
 - **Software**
 - **Database set-up**

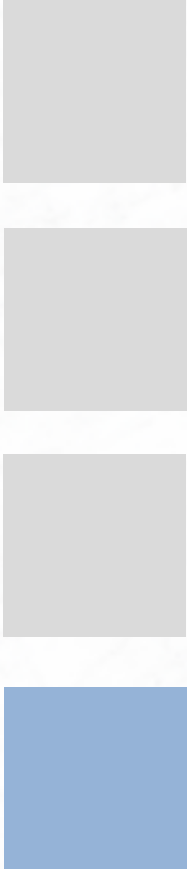
Sample E-Trial Protocol

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- **Exchange and delivery of materials**
 - **Document formats and conventions**
 - **Choice of hardware and software**
 - **IT support**
 - **Judge's access to JBD**
 - **DMS management and updates**
 - **Time allocation**

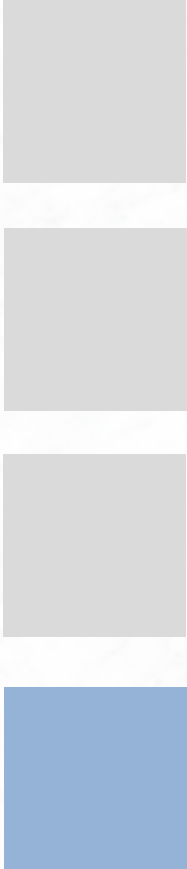
Special Preparation for E-Trials

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- **Monitors vs. tablets or laptops**
 - **Local vs. remote hosting**

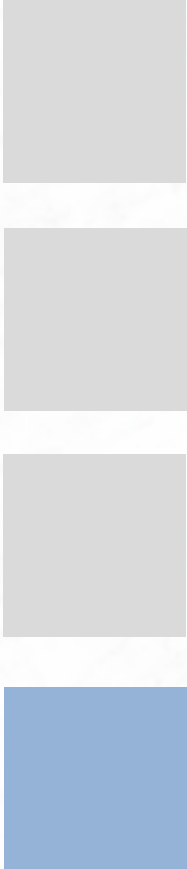
Special Preparation for E-Trials

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- **Tech support**
 - **Training for the judge, court staff, and parties**

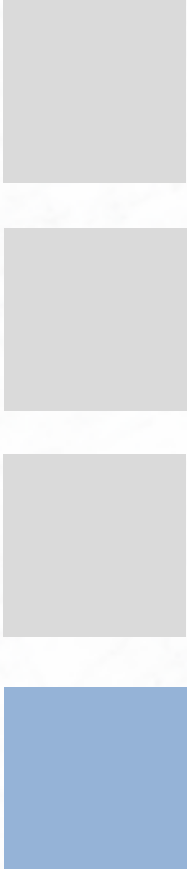
Special Preparation for E-Trials

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- **Proving and labelling exhibits**
 - **What do to with documents that are not referenced**

Special Preparation for E-Trials

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- **Daily delivery of documents to the Court**
 - **How to file documents with the Court**

Special Preparation for E-Trials

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- **Leave time for a dress rehearsal**
 - **Do a dry run in the electronic courtroom with all parties**
 - **Plan for assistance of clerk once trial begins**

Questions?

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