

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

