

WITNESS PREPARATION CHECKLIST

- What do you want in evidence and whom do you want to testify to the information? Be sure they are available, that you vet them and that they make a good witness.
- **MEET WITH AND PREPARE WITNESS. GET A FEEL FOR HOW THEY WOULD DO.**

I. PREPARING QUESTIONS

- Background information
- Establish their familiarity with issues
- Get the “negative” out beforehand
- Know exactly what they will testify to
- Anticipate the OP’s cross-examination of the witness

II. COURTROOM PROCESS-

- Where they wait
- Where they sit
- Swearing in
- What to wear
- How to act in the courtroom
- Techniques for cross-examination
- 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

III. QUESTIONING – Your Witness

- a. Prepare Direct
- b. Prepare for evidentiary objections and your response
- c. Prepare cross to prepare your witness
- d. Prepare for evidentiary objections and your response
- e. Ensure you show witnesses all exhibits they could be asked about
- f. What do they say and how do they say it

IV. QUESTIONING –Other Witnesses

- a. Prepare cross questions (reference exhibits or other documents)
- b. Have exhibits and documents ready

V. EVIDENTIARY ISSUES

- a. Prepare objections to exhibits
 - i. Best evidence
 - ii. Not the keeper of the records
 - iii. Expert reports not admissible
 - iv. Personal knowledge of the witness
 - v. Hearsay
- b. Bring objection cheat sheet

VI. Get Subpoenas signed and served

VII. Letters to experts as soon as you have trial dates (availability, costs, etc.)

VIII. Letters to witnesses with trial dates (availability, logistics, etc.)



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