Trial preparation checklist

Or, the general conduct of an action

1. Memorandum of proof/proof chart.
2. Pleadings review–**A**–ensure that all necessary parties have been joined and properly named; and–**B**–consider any amendments required to pleadings, including whether the relief claimed is adequate.
3. Discovery matters–**A**–ensure that transcripts from examinations for discovery have been obtained;–**B**–ensure completion of undertakings from examinations for discovery;–**C**–consider whether any information given by your client on discovery should be corrected or updated; and–**D**–compile a list of discovery extracts to be read in at trial.
4. Non-expert witnesses–**A**–develop a list of witnesses to be called at trial;–**B**–interview or re-interview witnesses and determine availability for trial;–**C**–obtain summonses and serve on all witnesses, together with appropriate conduct money;–**D**–determine whether a notice to call the adverse party as a witness ought to be served; and–**E**–determine appropriate procedure to compel attendance of out-of-province witnesses.
5. Legal research–**A**–update legal research on the issues; and–**B**–prepare briefs of authorities intended to be relied upon at trial.
6. Experts–**A**–are any expert witnesses required?–**B**–serve expert reports in accordance with the Rules of the relevant jurisdiction.
7. Pre-trial notices–**A**–consider issuing requests to admit documents or facts;–**B**–ensure that responses have been made to any requests to admit which have been received; and–**C**–serve notices required under the relevant provincial Evidence Act in regard to proof of business records.
8. Trial brief–**A**–prepare brief of documents to be used at trial;–**B**–prepare counsel’s trial brief(s); and–**C**–prepare briefs of authorities.
9. Counsel preparation–**A**–opening statement;–**B**–examinations-in-chief;–**C**–cross-examinations;–**D**–argument on anticipated evidentiary and other procedural issues; and–**E**–closing argument.

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