

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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