



Quick Trial Checklist

Task	Completed
1. Motions to Be Made or Renewed Just Prior to Trial	<input type="checkbox"/>
a. Motions to amend or supplement pleadings or pretrial statement or order	<input type="checkbox"/>
b. Motions for continuance	<input type="checkbox"/>
c. Motions in limine	<input type="checkbox"/>
d. Motions for Summary Judgment or Judgment on Pleadings	<input type="checkbox"/>
e. Motions to bifurcate	<input type="checkbox"/>
i. Damages from liability	<input type="checkbox"/>
ii. Right to an accounting from liability for accounted for items	<input type="checkbox"/>
iii. Determination of amount of punitive damages from other issues	<input type="checkbox"/>
f. Motions to place limitations on opening statements (time, scope, demeanor, and detail)	<input type="checkbox"/>
g. Appropriate §57.105 or Rule 11 motions or demands	<input type="checkbox"/>
h. Motion to use computer, video, or other technical aids in courtroom	<input type="checkbox"/>
2. Motions to Be Made at Start of Trial	<input type="checkbox"/>
a. Motion to exclude witnesses a/k/a invoking the “rule”	<input type="checkbox"/>
b. Renew denied motions for continuance	<input type="checkbox"/>
c. Renew denied motions in limine or reconsider granted motions; get definite rulings	<input type="checkbox"/>
3. Jury Selection/Voir Dire	<input type="checkbox"/>
a. Object if opponent argues, seeks promises, presents facts or legal matters, or misleads	<input type="checkbox"/>
b. Object to peremptory challenges based on protected status (race, gender, etc.)	<input type="checkbox"/>



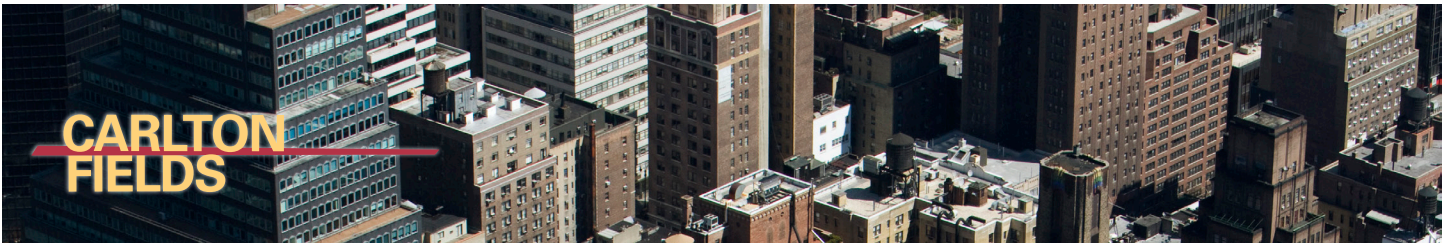
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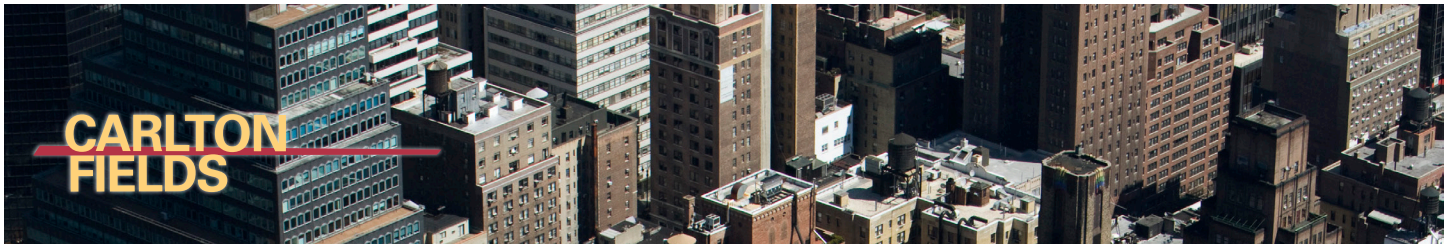
Task	Completed
c. Empaneling an Improper Juror – 8 steps to preserve the error: <ul style="list-style-type: none"> i. Timely motion to strike the juror for cause; ii. Improper denial of the motion; iii. Exhaustion of all peremptory challenges during the jury selection process; iv. A request for additional peremptory challenges; v. Identification of the juror(s) to be stricken with the additional challenges; vi. Denial of the request for additional challenges; vii. Renewed objection <u>or</u> acceptance of the jury subject to the prior objection immediately before the jury is sworn <u>even</u> if the court does not ask counsel whether they accept the jury; viii. The objectionable juror must serve on the jury. 	<input type="checkbox"/>
d. Remember, if you have a peremptory challenge left, the trial court may not refuse to allow you to back strike. Under Florida law, it is per se reversible error to deny a party its right to exercise a peremptory challenge against a juror that has not been sworn.	<input type="checkbox"/>
4. Opening Statements	<input type="checkbox"/>
a. Contemporaneous objection to improper opening (no inferences, argument, explanations of law, references to inadmissible evidence, excluded evidence, personal opinions)	<input type="checkbox"/>
b. Ask for instructions to jury to address improper opening	<input type="checkbox"/>
c. Move for mistrial if improper opening is too prejudicial	<input type="checkbox"/>
d. Move for directed verdict if opposition makes fatal admissions in opening	<input type="checkbox"/>
5. Objections to Use of Particular Witnesses	<input type="checkbox"/>
a. Violates order on motions in limine – move for mistrial	<input type="checkbox"/>
b. Object to witness if violated exclusion order	<input type="checkbox"/>
c. Object to undisclosed expert testimony	<input type="checkbox"/>
d. Object to undisclosed witnesses	<input type="checkbox"/>
e. Object to lay witness offering undisclosed expert opinions	<input type="checkbox"/>
6. Objections to Particular Questions	<input type="checkbox"/>
a. Ambiguous	<input type="checkbox"/>
b. Argumentative	<input type="checkbox"/>
c. Assumes facts not in evidence	<input type="checkbox"/>
d. Badgering or harassment	<input type="checkbox"/>
e. Best evidence	<input type="checkbox"/>
f. Competence of witness	<input type="checkbox"/>
g. Compound	<input type="checkbox"/>



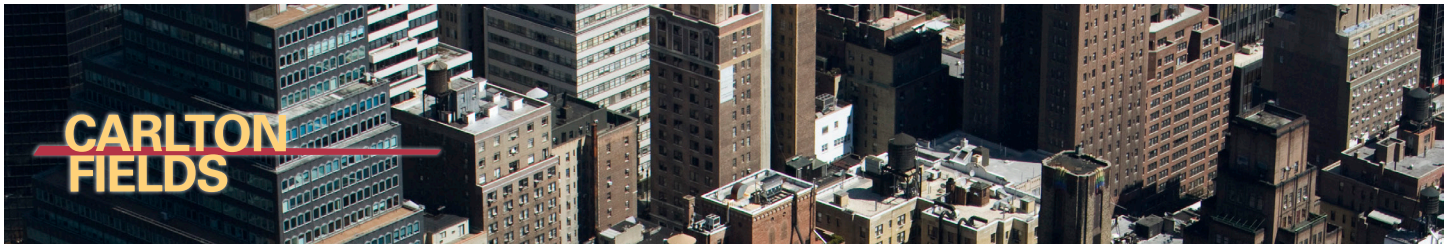
Task	Completed
h. Compromise and settlement	<input type="checkbox"/>
i. Cumulative	<input type="checkbox"/>
j. Embarrassment	<input type="checkbox"/>
k. Foundation	<input type="checkbox"/>
l. Hearsay	<input type="checkbox"/>
m. Immaterial	<input type="checkbox"/>
n. Insurance	<input type="checkbox"/>
o. Irrelevant	<input type="checkbox"/>
p. Leading	<input type="checkbox"/>
q. Misleading	<input type="checkbox"/>
r. Narrative	<input type="checkbox"/>
s. Opinion (improper)	<input type="checkbox"/>
t. Parol evidence	<input type="checkbox"/>
u. Prejudicial effect. v. probative value	<input type="checkbox"/>
v. Privilege	<input type="checkbox"/>
w. Not probative	<input type="checkbox"/>
x. Speculative	<input type="checkbox"/>
y. Surprise	<input type="checkbox"/>
z. Vague	<input type="checkbox"/>
aa. Improper impeachment	<input type="checkbox"/>
7. Objections to Non-Testimonial Evidence	<input type="checkbox"/>
a. Authenticity	<input type="checkbox"/>
b. Best evidence	<input type="checkbox"/>
c. Foundation	<input type="checkbox"/>
d. Hearsay	<input type="checkbox"/>
e. Irrelevant	<input type="checkbox"/>
f. Misleading	<input type="checkbox"/>
g. Prejudicial	<input type="checkbox"/>



Task	Completed
h. Privilege	<input type="checkbox"/>
i. Summary improper	<input type="checkbox"/>
j. Surprise—failure to produce prior to trial	<input type="checkbox"/>
8. Proffer Evidence Over Sustained Objections to Testimony or Documents	<input type="checkbox"/>
a. Put excluded testimony on record	<input type="checkbox"/>
b. Identify proffered documents and include in court file	<input type="checkbox"/>
9. Deposition Testimony Used at Trial	<input type="checkbox"/>
a. Include page and line number references for all deposition testimony received in record	<input type="checkbox"/>
b. Provide copy of text to court reporter for use in transcription; always require court reporter to transcribe everything spoken while deposition is read or played	<input type="checkbox"/>
c. For video depositions, put video clips into record	<input type="checkbox"/>
d. Make contemporaneous objections to objectionable deposition testimony & move to strike	<input type="checkbox"/>
10. Before Resting	<input type="checkbox"/>
a. Confirm admission of all evidence on evidence checklist	<input type="checkbox"/>
b. Confirm your prima facie case against your legal elements checklist	<input type="checkbox"/>
11. At Close of Plaintiff's Case	<input type="checkbox"/>
a. Move for directed verdict, nonsuit, involuntary dismissal, judgment as matter of law	<input type="checkbox"/>
b. Move to reconsider orders in limine or denied motions in limine, in light of plaintiff's evidence	<input type="checkbox"/>
c. Raise all "opening the door" arguments	<input type="checkbox"/>
d. Move to re-open case if issue is failure of evidence that can be cured	<input type="checkbox"/>
12. At Close of All Evidence	<input type="checkbox"/>
a. Renew directed verdict motion	<input type="checkbox"/>
13. Charge Conference, Jury Instructions, and Verdict Forms	<input type="checkbox"/>
a. File all of your requested instructions, including supplemental or modified instructions that you subsequently prepare, with the clerk of the court	<input type="checkbox"/>
b. Be sure you correctly fill in blanks in standard instructions and decide what alternative or bracketed parts should be included. If you are opposing a standard instruction, give the court a reason to do so and get a ruling on the record	<input type="checkbox"/>
c. Make sure all jury instructions are numbered before the charge conference starts, so it will be clear on the record what is being discussed	<input type="checkbox"/>



Task	Completed
d. Make sure opponent files clean set of all proposed instructions	<input type="checkbox"/>
e. Do not simply hand the instructions to the court; state on the record that you are also filing a set with the clerk	<input type="checkbox"/>
f. Hold charge conference on record (i.e., make sure court reporter is present) and make sure all rulings of the court are on the record	<input type="checkbox"/>
g. Make sure that all rejected instructions are filed with the clerk of the court	<input type="checkbox"/>
h. Object to objectionable instructions. Be aware that merely objecting to the other side's wrongful instructions will not suffice; you must propose a correct instruction	<input type="checkbox"/>
i. At the close of the charge conference, object to the denial of your requested instructions, object to the modified instructions and state why they should not have been modified, and object to the giving of the other side's instructions that were previously objected to	<input type="checkbox"/>
j. Make it clear on the record which instructions you are agreeing to and which you are objecting to and why	<input type="checkbox"/>
k. Join on the record in your co-defendants' requested instructions and objections	<input type="checkbox"/>
l. Make sure your requested instructions and objections conform to your position on motions for directed verdict. Update your requested instructions to account for the court's directed verdict rulings, while being sure to note any continuing objections to those rulings	<input type="checkbox"/>
m. Have final instructions copied, printed out, and filed with the court	<input type="checkbox"/>
n. Make sure that the court's oral instructions conform to the written instructions that will be submitted to the jury, correct any error in this regard and consider moving for mistrial	<input type="checkbox"/>
o. After the instructions are read to the jury but before the case is given to the jury, approach the bench for a sidebar to renew your requested instructions and renew your objections previously made	<input type="checkbox"/>
p. Make sure that the verdict form conforms to the court's instructions, while preserving any objections to that verdict form	<input type="checkbox"/>
q. File proposed special interrogatory verdict forms	<input type="checkbox"/>
14. Closing Argument—Contemporaneous Objections/Motion for Mistrial	<input type="checkbox"/>
a. Appeals to jury bias, prejudice, or pecuniary interest	<input type="checkbox"/>
b. Golden rule	<input type="checkbox"/>
c. Misstates evidence or refers to matters not in evidence	<input type="checkbox"/>
d. Misstates law	<input type="checkbox"/>



Task	Completed
e. Personal attacks on parties or counsel	<input type="checkbox"/>
f. Personal opinion	<input type="checkbox"/>
g. Prejudicial	<input type="checkbox"/>
15. Post-Closing Motions	<input type="checkbox"/>
a. Mistrial based on objections or fundamental error	<input type="checkbox"/>
16. Jury Deliberations	<input type="checkbox"/>
a. Make record of all jury inquiries during deliberations	<input type="checkbox"/>
b. Make record of testimony, exhibits, or other evidence the jury asks specifically to review	<input type="checkbox"/>
c. Make sure the correct number of principal jurors retires to consider the case. No alternate jurors should be included in deliberations unless they have replaced a principal juror who has been discharged	<input type="checkbox"/>
17. Jury Verdict—Before Jury Is Discharged	<input type="checkbox"/>
a. Consider whether to object to inconsistencies in verdict, to avoid waiver argument	<input type="checkbox"/>
b. Ask for clarification and further deliberations to resolve inconsistencies	<input type="checkbox"/>
c. Object and move for mistrial based on irregularities, misconduct, or inadequacies in jury verdict	<input type="checkbox"/>
18. Jury Verdict—After Jury Is Discharged	<input type="checkbox"/>
a. Motion to set aside verdict and enter judgment in accordance with motion for directed verdict	<input type="checkbox"/>
b. Motion for new trial	<input type="checkbox"/>
c. Motion for Additur/Remittitur	<input type="checkbox"/>
19. Preserving Evidence for Appellate Review	<input type="checkbox"/>
a. Original admitted exhibits in clerk's file	<input type="checkbox"/>
b. Double-check with clerk on what clerk shows as admitted or not, and clarify if different from what you show	<input type="checkbox"/>
c. Original exhibits that were not admitted into evidence identified and in clerk's file (make sure exhibits admitted into evidence and exhibits marked for ID are <u>both</u> retained)	<input type="checkbox"/>
d. Include demonstrative exhibits and aids in clerk's office	<input type="checkbox"/>
e. Keep exact copies of all identified exhibits and demonstrative materials	<input type="checkbox"/>