

Trial Practice Outline
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Preparing the Trial for Client, Judge, and the Appellate Court

1. Preparing the Trial for the Client
 - a. Initial Consult Expectations
 - b. Reminding Client of Initial Consult Expectations throughout representation
 - c. Gathering Exhibits from Day One
 - d. Dreaded Discovery the Silver Lining to Discovery Preparation
 - e. Client dressing for success
 - f. Client understanding testimony, evidence, and non-verbal actions
 - g. Bring the legal pad and pen for your client.
2. Preparing the Case for the Judge
 - a. Don't throw your client under the bus in pretrial motion hearings
 - b. If your judge is new, old, against your client, your case, or maybe just doesn't like you? What you can you do to overcome each of these obstacles.
 - c. Jorgensen v. Rogers, Sarpy County District Court, CI 15-837; Hiller v. Hiller, 23 Neb. App. 768 (Neb. App. 2016); Rommers v. Rommers, 22 Neb. App, 606 (2014); Boyer v. Boyer, 24 Neb. App. 434 (2017).
 - d. Berndt v. Berndt, 252 Neb. 271 (Neb. App. 2017), petition for further review denied.
3. Preparing the Case for the Appellate Court
 - a. Prepare the record for the Appellate Court
 - b. Make sure your exhibits are offered and received into evidence *before* you close your case.
 - c. The appellate court won't see your client rolling her eyes, so make sure they cannot read it in the record
 - d. Don't be afraid of the appellate court; They may just tell your trial court he or she was wrong.
 - e. Berndt v. Berndt, 252 Neb. 271 (Neb. App. 2017), petition for further review denied.