

**University of Cincinnati
College of Law**

**Witness Preparation Workshop
January, 2011**

First Class – 1/11/11

Preparation & Assignment

General

Assume that you are a first year associate in a small firm that handles a lot of personal injury cases. Your firm tried a case recently in which the court declared a mistrial when the partner in your firm trying the case became critically ill before completing the case in chief. You have been asked to step in and prepare the case for re-trial. The case is set for trial the week after our course ends. This will be the first trial for which you have primary responsibility.

You are generally familiar with the case, but have not worked with your witnesses before. Your initial phone contact with the witnesses made you realize that the previous attorney was too ill to properly prepare the witnesses. (S)he only met briefly with the witnesses and relied on her/his trial skills to elicit the necessary testimony.

Assignment for first class

During our first class, you will be meeting with two witnesses for the purpose of preparing them to testify at trial.

You have sought the advice of your mentor, who advised you to:

- 1) brush up on Mauet,
- 2) review the prior testimony of the witnesses
- 3) prepare a diagram of the scene
- 4) prepare a timeline of the events. (**Change the year to 2009**)

The witnesses are plaintiff, J. Smith and eyewitness, J. Doe. Their prior direct testimony can be found in Mauet, Ch. V. Direct Examination – Example – direct examination in a civil case.

At this first meeting with the witnesses, you should be prepared to take the witnesses through the preparation steps described in Exercise I on the Exercise Schedule – **THE BIG PICTURE.**

You should also consult the Witness Preparation Checklists for guidance in preparing these witnesses. Checklists I – III should prove helpful for this stage of preparation.