

Note: The following checklist is excerpted with permission from Thomas P. Schwaba, “Preparing for Trial,” chapter 1 of Eric L. Andrews et al., [Wisconsin Trial Practice](#) (3d ed. 2013-14). For a thorough analysis of each step, including applicable cross-references, please see the discussions in that chapter.

Checklist: Trial Preparation

Preliminary Considerations: 120 Days Before Trial

- Review and determine applicability of local rules.
- Do final review of entire case file.
- Do final detailed review of case pleadings.
- Develop final discovery plan. (Notice of motions to compel discovery should be given well before the court-imposed discovery deadline.)
- Summarize testimony of witnesses.

Preparation: 90 Days Before Trial

- Choose witnesses and order of appearance at trial.
- Notify witnesses of trial dates.
- Gather documents and tangible evidence.
- If health-care records are involved, comply with section 908.03(6m) at least 40 days before trial.
- If learned treatises will be used, comply with section 908.03(18) at least 40 days before trial.
- Select photos, models, and devices to be used at trial.
- Consider evidentiary problems likely to arise at trial.
- Create demonstrative exhibits.

Preparation: 60 Days Before Trial

- Explore late settlement negotiations.
- Prepare questioning strategies for witnesses.
- Learn trial judge’s customs and practices.
- Schedule trial days and hours of testimony.
- Check equipment to be used with demonstrative evidence.

Preparation: 30 Days Before Trial

- Prepare lay witnesses for trial.
- Prepare expert witnesses for trial.
- Issue trial subpoenas for witnesses.
- Study juror questionnaires and prepare for voir dire.
- Prepare jury instructions and verdict form.
- Prepare trial notebook.
- Prepare for courtroom use of audiovisual equipment.
- Gather rules and evidence books for trial.
- Gather office supplies necessary for trial.