

# **Trial Preparation From Start to Finish**

Prepared for the *Institute for Paralegal Education*

“Succeeding at Trial”

*Presented by:*

Bryan C. Ramos, Esquire

bryan@ramoslawfirm.com

www.ramoslawfirm.com

404.355.3431

**Ramos Law Firm**

*A Georgia Workers' Compensation Firm*

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# **Trial Starts at the Intake of the Case**

*“By failing to prepare, you are preparing to fail.”*

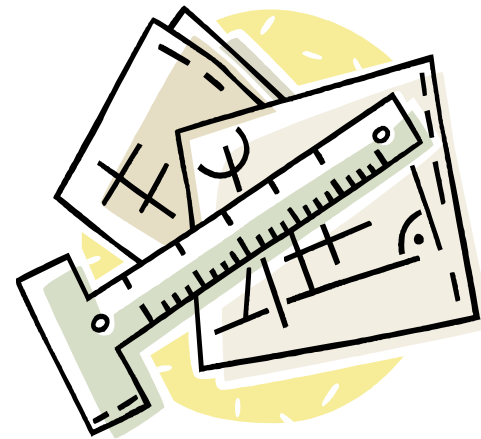
*– Benjamin Franklin*

*“Success occurs when opportunity meets preparation.”*

*– Zig Ziglar*

# Trial Starts at the Intake of the Case

- ✓ Plan
- ✓ Prepare
- ✓ Proceed



# Position of Strength

Prepare the case for trial, the other side will want to settle.

Prepare the case for settlement, the other side will want to try.



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# The Hurry Up and Wait

## *Reasons for the No-Go*

- Settlement?
- Continuance?
- Conflict?
- Leave of absence?
- Discovery Issue?
- Docket Issue?

All dressed up and  
no place to go.



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# The Hurry Up and Wait

☞ *Practice Tip:*

When trial is canceled or continued, don't forget to notify the **client** and all witnesses! 📞

# How many cases actually went to trial?

Civil cases?

2%

Criminal cases?

10%

# Alternative Dispute Resolution

- Mediation
- Adversarial or Non-adversarial?





# Mediation

☞ *Practice Tip:*

Position Paper + Separated Parties + Neutral

=

**Resolution**



# Position of Strength

Prepare the case for trial, the other side will want to settle.

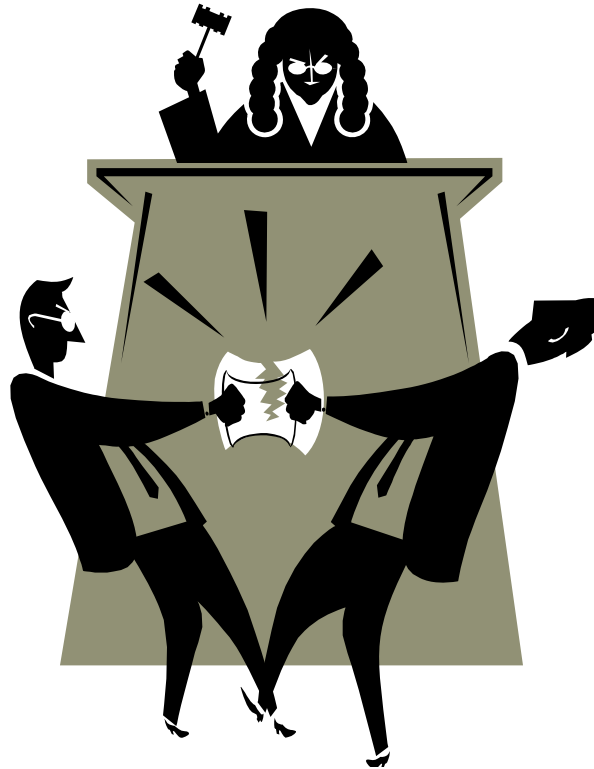
Prepare the case for settlement, the other side will want to try.



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# Going to Court



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# Rules of the Game

- Local rules
- Filing fees
- Judge's preferences to procedure and exhibits
- Calendar call

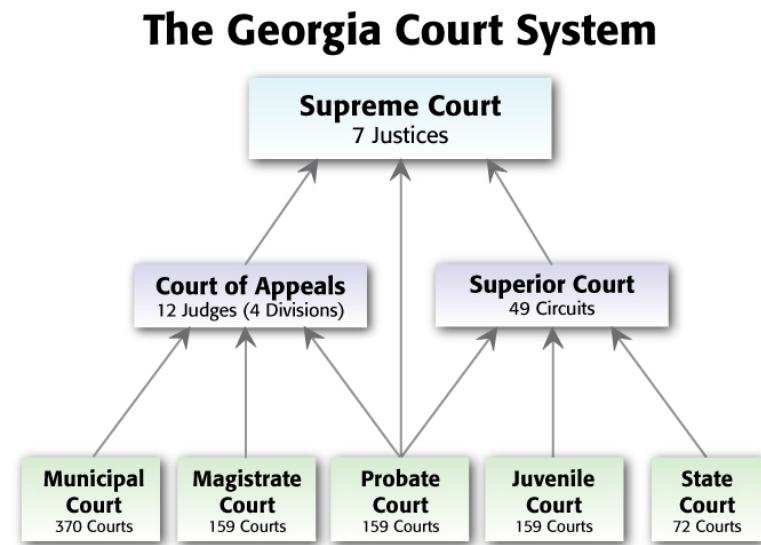


# Details, details, details



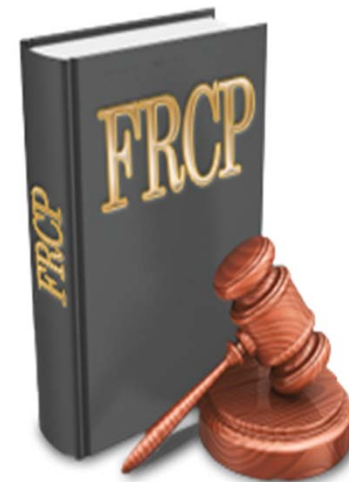
# Georgia Courts and Quasi-Judicial Courts

- Municipal courts
- Magistrate courts
- Probate courts
- Juvenile courts
- State courts
- Superior courts
- Georgia Court of Appeals
- Supreme Court of Georgia



# Federal Court: Getting there

- ✓ Federal Question Jurisdiction
- ✓ Diversity Jurisdiction
- ✓ Amount in Controversy is in excess of \$75,000





# Federal Courts: Key Differences

- Federal Rule 26(f) Conference
- Discovery Plan (14 days)
- Scheduling Order

👉 **Practice tip:**

Calendar all deadlines – twice!




# Jury Selection



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# Working in the Courtroom

- ✓ Know your way around the courtroom
- ✓ Anticipate your attorney's needs
- ✓ Keep a close eye on the file 
- ✓ Know your way around the courthouse



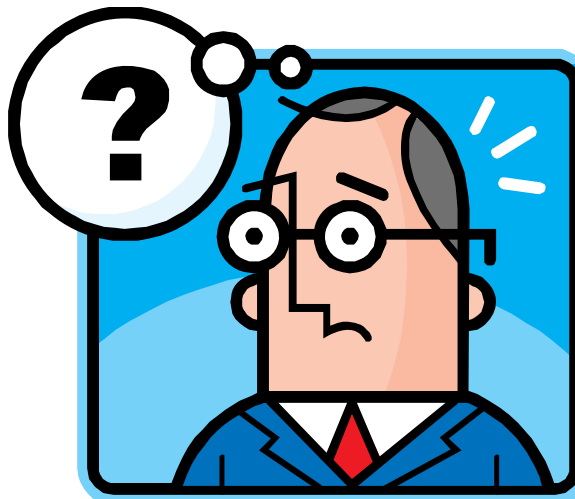
# Surviving The Storm

## ☞ *Practice Tips:*

1. Clear the calendar
2. Be flexible and anticipate change
3. Take care of yourself



# Questions?



**Thank you!**



[www.ramoslawfirm.com](http://www.ramoslawfirm.com)  
[bryan@ramoslawfirm.com](mailto:bryan@ramoslawfirm.com)