

MECHANICS OF FILE PREPARATION — CREATING THE FILE

Know Your File

- Police Reports
 - Witness statements
 - Take Notes
- Interview Witnesses
- Laboratory reports/crime scene reports
- Defendant's criminal history

Review:

- Exhibits and Evidence
- Any additional evidence collected by law enforcement
- Jury instructions
- Consider Case theory
- Look for themes

Add Evidence:

- Any additional reports and tests
- Additional Witnesses
- Discovery
- Defense theory considered
 - Self defense
- Defense discovery

Scene and Issues:

- Know the layout of the scene
- Learn of any problems/issues
- No tunnel vision



VERA CAUSA GROUP

FOUNDATIONS FOR INTERVIEWING WITNESS

Rapport building **Trial rapport starts here – must work to trust or at least talk to you**
Meet them on their level- Personality Types- Meyers- Briggs - Anne Hensley

- As lawyers we're particularly analytical- which can read as uncaring or unfeeling. Which is not completely untrue!

You can **Validate their feelings-** without coaching or coercing

- "I'm sorry this happened to you. " "It must be frustrating to be in this situation."

Don't Argue with them- Okay is a beautiful word.

- **I hear what you are saying**
- **help me understand**
- **Ok, tell me more.**

Try not to Interrupt-

- Use star method

Use Sensory Words

- What did you see?
- Smell/touch/hear/taste/feel

Do not be a checklist lawyer



VERA CAUSA GROUP

FOUNDATIONS FOR WITNESS PREPARATION

Have	Have an outline <ul style="list-style-type: none">• Know why you are calling them/what you expect to prove
Understand	Understand their needs to maximize their telling the truth <ul style="list-style-type: none">• How do people learn?• Emotional support/comfort item/person
Allow	Allow them to refresh recollection <ul style="list-style-type: none">• Understand memory and recall
Use	Use exhibits/pictures/ items to plan testimony <ul style="list-style-type: none">• Plan ahead• If they are able, have them help pick exhibits to use
Tell	Never tell them what to say <ul style="list-style-type: none">• Scripts undermine the truth
Ask	Ask questions in different ways/different methods.. <ul style="list-style-type: none">• Chronological• Narrative• Concept based



VERA CAUSA GROUP