

Preparation for Civil Trials

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About this Publication:

Trial preparation is a process that often commences immediately after the close of pleadings. It involves what may be categorised as:

- external procedural steps directed at the opposing litigant or third parties, such as requesting further particulars and replying to requests, making discovery and subpoenaing witnesses;
- internal acts of preparation, such as identifying the issues in a matter, determining the witnesses required to be called, preparing to lead and cross-examine witnesses and undertaking research on law.

An extensive range of the steps to be taken are dealt with in this book. Where they involve matters of procedural and related law, the basic principles are set out and practical advice is given to assist in deciding when and how to use these legal procedures. Practical steps to prepare for trial are also dealt with in a manner that can be readily understood. To explain abstract concepts, several examples of pleadings in different types of actions (in an appendix) are used as illustrations.

Key Benefits

- Assists attorneys and counsel to identify and expand upon the various steps involved in the preparation for trial in a civil matter
- Provides novel, but relatively simple, tools to aid the process of preparation
- Offers aspirant and junior practitioners' access to a substantial checklist of the matters to be attended to, as well as instruction on how to pursue various steps in the course of preparation
- The book is also a useful reference for senior practitioners who seek advice on specific topics and new approaches to matters of preparation on a practical level

Contents Include:

- Chapter 1: Introduction
- Chapter 2: Pleadings, affidavits and other documents up to close of pleadings
- Chapter 3: Tactical steps
- Chapter 4: Identification of issues and questions of law
- Chapter 5: Onus, duty to adduce evidence and preliminary assessment
- Chapter 6: Amendment of pleadings
- Chapter 7: Introduction of further parties and consolidation of actions
- Chapter 8: Further particulars
- Chapter 9: Discovery and related procedures
- Chapter 10: Examination of documents
- Chapter 11: Separation of issues and stated cases
- Chapter 12: Examinations: medical and of objects
- Chapter 13: Production of plans, diagrams, models and photographs
- Chapter 14: Inspection in loco
- Chapter 15: Expert notices and summaries
- Chapter 16: Pre-trial conferences
- Chapter 17: Offers and tenders
- Chapter 18: Subpoenaing witnesses and documents
- Chapter 19: Proof of matters by means other than oral evidence and computer-generated data
- Chapter 20: Evidence on commission and interrogatories and evidence given by video link
- Chapter 21: Pagination and indexing of pleadings and other documents in the court file
- Chapter 22: Bundles of documents for the trial and use thereof
- Chapter 23: Preparation of witnesses for trial, including consultations
- Chapter 24: Determination of witnesses to be called and other evidence to be placed before the court
- Chapter 25: Tables, schedules and related documents
- Chapter 26: Preparation for opening address
- Chapter 27: Preparation for cross-examination
- Chapter 28: Postponements
- Chapter 29: Conclusion—simple lessons
- Appendices (examples)
 - Examples of pleadings
 - Lists of issues

Of Interest and Benefit to:

Preparation for Civil Trials is a general guide for junior and aspirant practitioners, both attorneys and advocates. The book can also be of assistance to more experienced practitioners who seek advice on specific topics.