

TRIAL AUTOPSY CHECKLIST

Unveil the success and learn from the loss.

1. CASE ASSESSMENT AND STRATEGY

- **Initial Assessment:** Review the initial case assessment. Did the evidence, law, and strategy align with the case outcomes predicted?
- **Case Strategy:** Discuss the overarching case strategy. Was it appropriate, and did it resonate with the jury? If so, discuss what resonated with the jury and why.

2. CLIENT REPRESENTATION

- **Client Communication:** Evaluate the effectiveness of communication with the client throughout the case.
- **Client Presentation:** Discuss how the client was presented during the trial. Consider both the strengths and weaknesses in the portrayal of your client to the jury.

3. EVIDENCE AND DISCOVERY

- **Discovery Process:** Analyze the discovery process. Were there any missed opportunities or weaknesses in the evidence collected? Did you discover a “smoking gun” during discovery and if so, what strategy did you use to locate it.
- **Evidence Presentation:** Discuss the presentation of evidence at trial. Evaluate the clarity, impact, and credibility of the evidence presented.

4. WITNESSES

- **Witness Selection:** Review the selection process for witnesses. Were the right witnesses chosen? If you feel the wrong witnesses were chosen, discuss why.
- **Witness Preparation:** Evaluate how well witnesses were prepared for trial. Consider both expert and lay witnesses.
- **Witness Presentation:** Discuss the effectiveness of witness testimonies and cross-examinations.

5. LEGAL ARGUMENTS AND MOTIONS

- **Pre-Trial Motions:** Review the pre-trial motions filed. Were there any strategic misses or successes? Discuss both and evaluate if any successful pre-trial motions can be used as template in future cases.
- **Opening Statements and Closing Arguments:** Evaluate the effectiveness of the opening and closing. What resonated with the jury, and what didn't.

6. JURY ANALYSIS

- **Jury Selection:** Analyze the jury selection process. Were there any insights gained or overlooked?
- **Jury Engagement:** Discuss how engaged the jury seemed throughout the trial. Look for feedback on jury interaction, attention, and reactions to key moments.

7. OPPOSITION STRATEGY

- **Opposition's Case:** Review the opposition's case strategy, strengths, and weaknesses. What lessons can be learned from their approach?
- **Counterstrategies:** Evaluate the effectiveness of counterstrategies deployed during the trial.

8. LOGISTICS AND ADMINISTRATION

- **Trial Logistics:** Discuss any logistical issues encountered during the trial and potential improvements.
- **Case Management:** Review case management practices. Consider document handling, timelines, and communication within the team.

9. FEEDBACK AND LESSONS LEARNED

- **Team Feedback:** Open the floor for team members to provide feedback on the case handling, team dynamics, and personal observations.
- **Lessons Learned:** Summarize the key lessons learned, and how they can be applied to future cases.

10. FUTURE STRATEGY AND IMPROVEMENT PLANS

- **Actionable Steps:** Identify specific actionable steps to improve future case preparations and trial performances such as conducting focus groups.
- **Training and Education:** Discuss any needs for additional training, resources, or changes in procedures. Make sure you standardize any training or changes in procedures, as well as document those changes for your practice and team.

Remember, this meeting is not about placing blame but about learning and improving for future cases. Encourage open, honest communication, and focus on constructive feedback. This comprehensive review can provide valuable insights for enhancing your legal practice and achieving better outcomes in future litigation.