



## Pre-trial Checklist

### Require the Prosecution to:

1. **Provide a time schedule for the witnesses it intends to call e.g. which witnesses on which day of the trial.**

*This ensures that the defence has adequate time to prepare a cross-examination and that there are no surprises which may cause unnecessary delays of the trial.*

2. **Place on the record all witnesses have been contacted/subpoenaed & advised of the likely date they are available and will give evidence.**

*This notifies counsel that all witnesses have been contacted, how the trial will proceed and effectively negates the risk of delay.*

3. **Identify if any evidentiary aides are to be used i.e. graphs, tables, videos.**

*This ensures a timely copy of any such aids is provided to the defendant allowing the opportunity to raise any objections at the pre-trial stage. The prosecution should also identify during which witnesses' testimony these aids may be utilised and whether they are the subject of an admission.*

4. **For a large number of documentary exhibits, it is useful to have each exhibit numbered. Prosecution should also clarify whether the prosecution will have exhibit books prepared in advance for each juror or judge.**

5. **Could the trial be conducted via e-trial?**

6. **How will each document be treated when tendered?**

7. **Will the jury be provided with the Transcript of Evidence when they retire?**

*This may be a useful resource in long trials.*

8. **Are any admissions to be made during the trial?**

*Admissions can dramatically shorten the length of the trial.*

9. **Identify witnesses it will seek to leave to call remotely i.e. via video or audio link**

### Require the Defendant to:

1. **Identify any objections they have**

### Other considerations:

- Court should ensure all equipment is working properly at the start of each day
- Factor in holiday periods when listing
- Consider number of reserve jurors to be empanelled and question their availability for long trials
- Sitting 4.5 days may be better than 5 days for long trials
- It's often helpful for jurors if after the prosecutor's opening address, defence counsel gives a brief opening statement.

