



Leaving town to try a case? Get prepared!

DON'T GET "HOMETOWNED!" NOTHING SIGNALS "OUTSIDER" LIKE NOT KNOWING WHERE YOU ARE...AND WHERE TO PARK

Trying cases away from home can be, well...trying. You are far from your family, the office, and the courthouses you know inside and out. Arriving in a new town and performing at your best is difficult. It is imperative to arrive prepared no matter where the venue, but when you are traveling, arriving prepared means carefully considering what your weekdays will look like and who you will be spending your time with. With thorough planning, patience, and persistence, you can acclimate quickly and focus your energy on getting justice for your client.

Understanding the community

Trying a case in another part of the state means that you are joining another community for a short period of time. Just as you would if you were moving somewhere permanently, it is important to understand the demographics of your community. Generalizing based on what you have seen in the media is typically unhelpful. I try to do research on the area in the weeks leading up to trial so I can be cognizant of local issues during trial. Some of the things I research include:

- Who are the major employers in the area? Is there a military base, a large corporation, or a school district with many schools?
- What is the average education level of the residents? Relatedly, what options are there for higher education? Are there universities, trade schools, vocational programs, or community colleges?
- Is there a major industry in the area? The county's residents may primarily work in agriculture, or technology, or healthcare, for example.
- How is the area laid out geographically? Learn the neighborhoods and each of their demographics. When a potential juror says they live "on the westside," you should already understand what that means.

- Where does the area fall politically? Are the residents largely conservative, liberal, or something in between?

Knowing what to say and how to say it

Knowing the correct pronunciation of witnesses' names as well as the county, city, and local streets is a wonderful way to show you are respectful of the venue and its residents. It is completely normal to need help with pronunciation. Be proactive and seek out help in advance. The judge may not be the best person to ask, but a waiter at a restaurant or the clerk at a gas station, for example, could be a valuable resource for double-checking your pronunciation.

Likewise, knowing the names of popular service providers in the area will help bridge the divide between you and the venue. Is the major grocery chain Safeway, Ralphs, or Stater Bros. for example? Do they call public transportation by a certain term? What is the name of their popular coffee chain? Starbucks may be there, but Dutch Bros may be the one that locals prefer.

Nothing signals "outsider" like not knowing where you are.

Be yourself

Undoubtedly, jurors will make conclusions about you based on your appearance and presentation. It may be tempting to try to change your clothes or demeanor to fit a certain locale because you think the jurors will like you more if you look or sound like them. Be cautious: Jurors can very easily tell when an attorney is being disingenuous. If you do not normally have a certain accent, this is not the time to try it out. If you are uncomfortable wearing cowboy boots, stick to your dress shoes. Wearing your nicest suit or carrying an expensive handbag may also draw the jurors' attention away from your presentation of evidence or argument.

Getting "hometowned"

Many defense attorneys love to play up the fact that they are locals and you are not. They will mention it every chance they get and may even outwardly attack you for coming to "their" area to try a case. Develop a plan about how you will address this. You may need to file a narrowly tailored motion in limine, for example. The judge is not going to exclude the name of the city where your office is, but the judge may be open to precluding defense counsel from using terms like "these big city lawyers," or phrases like "they're only up here for the money."

Pick your battles on this issue: If you start complaining about defense counsel immediately, the judge may not be easily persuaded. This type of behavior may be better addressed in closing argument by pointing out that you presented compelling evidence, and they focused on where your office is.

Selecting the jury

Jury selection is your opportunity to make a good first impression with the jurors. These are your triers of fact, after all, and taking the time to understand the process that defines their first impression of the court will pay off in the end.

Before jury selection begins, look at the local rules and the judge's protocols to understand what that venue's expectation is for jury selection. Do not be afraid to ask questions about jury selection in pretrial hearings. What will the judge inquire of the jurors? Are there time limits or other restrictions? Will the judge allow questioning beyond those in the "six-pack?" At what point in the process will the court hear cause challenges? What is the process for a juror requesting hardship? Being fluent in that particular courtroom's process is your first opportunity to help the jury understand that you are prepared and know how to be a trial attorney.

Watch the local news

Every morning I turn on the local news as I prepare for the day. Local news is a terrific indicator of what people in the area are interested in and are thinking about as they head to the courthouse. Are residents focused on an issue in the schools? Is a potential tax increase raising alarm bells? Did a new store open and are people excited about it? All of this information is valuable. It will help you understand who you are speaking to and will make it easier to relate to your new community.

Navigating the courthouse

You may not be as familiar with the courthouse and your judge as when you are closer to home. Do not fear; doing a little research can go a long way in making sure you are prepared each day.

Filings: Some clerks will accept filings in the courtroom, others may want you to file in a separate office and then bring a conformed copy for the judge to review. Knowing the requirements of your courtroom can save you the headache of rejected last-minute filings.

Jury fees & court reporter fees:

Understand the court's policy about paying jury fees and court reporter fees before you get to the venue. Some clerks and reporters are very understanding and will accept checks once a week or once every other week. Others will require fees to be paid on a daily basis. Some will accept checks only, and others will accept credit cards or Venmo. Bring what you will need to pay the fees on time and with minimal hassle for the clerk and court reporter.

Technology: Contact the court and learn about exactly what type of technology is available. Do they have Wi-Fi plus speakers, a screen, a projector, and a smart TV? Or are you responsible for bringing your own trial technology? Make sure to bring what you need and enlist help to set it up. Remember, setting up and operating technology is not the court clerk's job! Bringing someone to assist you is a good use of resources. You can

focus on the legal issues and let someone else handle the cords and screens.

Storage: Ask the clerk whether you will be able to keep a box or two in the courtroom during trial. Being able to keep deposition transcripts there, for example, can help reduce confusion about which original transcripts or certified copies need to be carried between the hotel and the courtroom. Keeping a box of supplies in the courtroom is also helpful. You will always need yellow pads, pens, and Post-It notes. You may need a portable battery to charge your laptop and cell phone. You will appreciate having extra bottles of water nearby. If you can keep all of this in the courtroom, your hands will be free to carry something else at the end of the day.

Planning the logistics

When you try a case close to your office, you have the luxury of returning there after court every day. You can also ask staff to bring things to the courthouse in an emergency. When you are far from home, you do not have this luxury. Below are a few of the "logistics" issues I try to sort out well in advance of leaving for trial because they can be so difficult to handle on short notice.

Hotels: Be mindful of your hotel's location. Being close to the courthouse may seem like the preferable option at first glance, but if there is something extremely noisy nearby (like a train station, or a street with many bars and restaurants), it may be difficult to get a good night's rest. Likewise, a nice hotel in a chic area may seem like a good option, but if overnight parking is extremely expensive, it may not be economical for that particular case. Also, try to find out where defense counsel is staying if they are also traveling to the venue for trial. If you are all staying at the same hotel, having a strategy meeting in the lobby every night is probably not a great idea.

Short-term housing rentals can be an excellent option if your trial is expected to last quite some time. It may cost less than a hotel and can offer more flexibility for cooking meals or leaving items over weekends.

Getting to the courthouse: If you can drive your own car or rent a car, look into where you can park and how you will pay for parking. Having your cash ready before you get to town will save you time (and fees) at an ATM.

Printing: Bring a printer for your hotel room, and maybe the courtroom too (if the judge allows it). Do not forget extra ink, paper, a stapler, and a hole puncher. Embrace becoming a one-stop print center.

Food: Bring food for your hotel room and check to see what the hotel's caffeine situation is. When you are working early or late, you may want something to snack on. It never hurts to request a refrigerator if your room does not have one by default. Also, do a bit of research for restaurants you can eat dinner at. Having to find food after a long day at court can be a pain. Dinner time can be a lot more pleasant if you have a list of places that look good, do not require a reservation, and can get you in and out relatively quickly.

Weather: Check the weather. California has nearly every climate. If there is even a remote chance of rain, bring an umbrella and raincoat. If it is going to be 100 degrees at midday, bring your lunch instead of walking a few blocks in the heat (and your suit) to pick up a sandwich.

Meeting rooms: There may not be a host of options for places to meet, depending on your venue. Plan where you will meet with experts, clients, and other witnesses to prepare. Does your hotel have an affordable meeting room you can reserve? Does a local court reporting agency have a room for after-hours use?

It never hurts to ask if the price of your hotel's meeting room is negotiable. If you are staying for many nights in a row and they do not have anything else planned in the room, they may even give it to you for free.

Another option to explore is renting a local office space. Most towns have companies that will rent offices by the day, week, or month. These allow

you to have access to a professional office space, which may make meeting with witnesses in the evenings a little easier.

Being realistic about travel

Driving or flying a long distance presents a host of issues particular to a trial attorney. Think about how you will get the physical file to your destination. For example, it may be worth hiring someone to drive the file to your hotel. If you are flying, consider whether to carry on a few days of trial clothing just in case your checked bag gets lost. If you are renting a car, be mindful of the type of car you are assigned. Driving to the courthouse (and potentially seeing a juror in the parking lot) may not be the best use of a free upgrade to the yellow muscle car you dreamed of driving as a kid.

Also, plan for way more time than you normally would to get to your destination. It may be tempting to save money by buying a late-night flight instead of a mid-day one, or to skip staying at the hotel on Sunday night thinking you can get on the road early Monday morning. These are risky bets to make! Investing in an earlier flight and a Sunday hotel room is well worth the money. You can use the time to unpack, review materials for the next day, eat dinner, and be in bed at a reasonable hour.

Sticking to your routines

Being in trial can consume every moment of your day if you let it. You will

be away from home and may feel like you should spend endless hours working. The inclination to abandon most of your routine will be strong.

Consider maintaining as much of your routine as you can. Write down a list of the top five things you enjoy doing on a normal day and try to incorporate a few when you are away. Do you think best on days you work out? Plan on using the hotel's treadmill for 20 minutes right after court. Do you like drinking coffee first thing in the morning? Bring a coffee maker and keep creamer in your room's refrigerator. Is it important for you to have dinner as a family every night? Use Facetime to "sit" at the table with your kids. None of these options are ideal compared with your normal life, but they will help you keep a sense of balance. Keeping that balance will improve your results at trial.

Asking for help

Traveling alone to a new place with the expectation of performing under pressure can be a lot to handle. If you need help, ask for it. For example, defense counsel may flood your inbox with motions at night. Coordinating with a law and motion writer before trial and then asking them to be on standby can be the difference between getting an hour of sleep and getting five hours. This can make or break your cross-examination of a key witness.

If your emails are piling up, ask your assistant to go through them around 3:30

p.m. They can delete the mass emails and send you a summary email of what you should be prioritizing that night.

Preparing your office for your absence

No matter how large the team, sending one person to a courthouse for days or weeks is disruptive to the other team members. It will be difficult to get your attention, and especially so if you are traveling. Make a plan for who will cover which appearances before trial starts. Does a big motion need to be filed? Try to have it written before you leave. Scheduling a 15-minute call to review things is also an efficient way to stay in touch with your team. An associate or assistant can summarize what has happened that day and ask how to handle certain situations, always understanding that the phone call needs to end soon.

No matter how far you are from home, trying a case is a monumental task. In my experience, familiarizing myself with the area and planning solutions for foreseeable issues makes the process a lot easier. Your client deserves you at your best, and so do you!

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