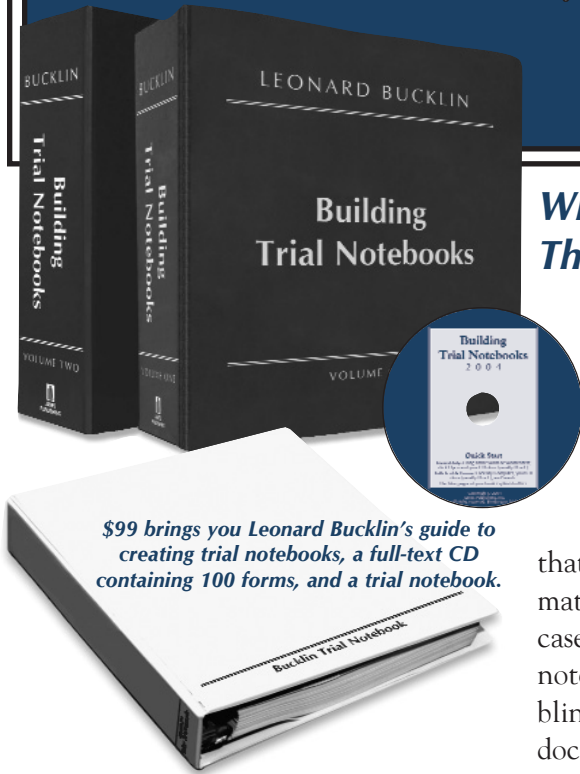


Look and Feel Trial-Ready



\$99 brings you Leonard Bucklin's guide to creating trial notebooks, a full-text CD containing 100 forms, and a trial notebook.

***Why do so many attorneys dislike going to trial?
They feel disorganized and inadequately prepared.***

The many hours needed to get ready for trial can be tough to obtain. Frequently they are stolen from family and sleep time. Sometimes the hours needed for trial preparation are never obtained, causing counsel embarrassment and reputation damage.

A Million-Dollar Advocate has written an innovative trial notebook that attacks the problem head on. Author Leonard Bucklin's proven system materially reduces litigation preparation time and ensures that you and your cases are always ready for deposition, hearing, and court dates. How? The notebook keeps you, your staff, and even your client laser-focused on assembling in a courtroom-usable format the essential arguments, questions, and documents.

Novel, trial-tested forms and strategies

Mr. Bucklin is a creative litigator who has developed powerful techniques usable in most cases. His litigation system is loaded with them. And ***Building Trial Notebooks*** makes it easy to employ these tactics in your next case, because Mr. Bucklin has included a full set of implementing documents. For example:

Organization

"It is not sufficient for you to tell your staff that 'we want to get all cases moving,' or 'the *Henry* case needs to be ready for trial by June.' Exhortations are not goals. Use this Litigation Checklist to provide specific and attainable tasks." §1.1

This one-sheet Case Summary will clarify your mind about what is essential to the case. §2.1

Pleadings

"A good way to attack unwarranted boilerplate answer paragraphs is to fire off a demand for admissions that states the opposite. The defense's discovery cooperation will be better if you have the leverage of an unresolved Rule 11 violation. Use this pattern Request for Admissions." §30.2

"Conversely, the easiest way to put the plaintiff into reactive mode is the aggressive use of interrogatories. I have never yet understood why most defense attorneys do not send their first interrogatories with the answer. If your jurisdiction first requires an initial exchange of information, send a letter asking for the plaintiff's signed authorization to inspect medical records plus a complete copy of all plaintiff medical records possessed." §30.4

Depositions

"I have found that my Deposition Availability Coordination Form reduces the time wasted scheduling and re-scheduling depositions. In 15 years of using this form and procedure, I have never seen an adverse attorney with enough courage to make a motion to the court to prevent a deposition on a date he said in writing was available." §12.1

"Always assume that the entire deposition will be read into evidence. What are the last answers you want the jury to hear? Ending depositions on a high note will..."

More tips inside...

Inside: sample pages, author background, and table of contents

continued from page one

also affect settlement valuation. To finish strong, use this short building block.” §31.2

“If the item produced at the deposition is important to you, say ‘I offer Deposition Exhibit X into evidence.’ Making the offer at deposition flushes out any trial surprises.” §12.4

“Give this deposition checklist to your clients early in the case. It will encourage them to observe their injuries, so they will not forget items the jury will want to know.” §30.5

To prevent receipt of an adverse expert’s bill for 20 hours of “review of files, study, and preparation for deposition,” specify in your notice of deposition that the adverse expert is not to spend more than two hours preparing for the deposition. §7.4

“You can maximize the psychological advantage of taking the deposition of an organization (rather than a named person) by using a well-drafted, multi-page Notice of Taking Deposition. Do not draft something off the top of your head. Start with the following battle-tested form. It will also provide a writing to use in a motion to compel, or for sanctions.” §32.3

And more

“Even though no court order is involved in obtaining an Independent Medical Examination, you as plaintiff’s attorney need the protection. And you are in good bargaining position to get it. Ask defense counsel to sign this Stipulation for Physical Examination.” §30.8

“Use my ‘Six Step Prep’ to make friendly witnesses better witnesses. You will be surprised how effective your staff can be in helping with these procedures.” §40.1

“Failure to document your settlement discussions with clients can come back to haunt you. Use this Settlement Conference Worksheet.” §22.3

Trial-Tested Forms and Tips

Summary forms help you focus on key points

§4.8 BUILDING TRIAL NOTEBOOKS 16

§4.8 Form: Witness Summary for _____

Trial Appearance Scheduled for Date: _____ Time: _____
Phone: Home _____ Mobile _____ Work _____
Address: _____
Subpoena issued? _____ Employer: _____
Deposition to be read? _____ Job Title: _____
Purpose of Testimony - Liability Damages Expert
Does witness answer questions directly? Yes () No () Average ()
Will witness make a good impression on a jury? Yes () No () Average ()
This witness is Friendly () Hostile () Neutral () to our client.
Special Remarks about Witness _____

THE TWO MOST FAVORABLE (TO US) POINTS THIS WITNESS CAN CONTRIBUTE

1.

2.

THE TWO WORST (TO US) POINTS

1.

Sophisticated advice from a winner

13. Damages List

This is the place for a summary, not a long description.

When the judge asks, “What are your damages?” When the jury needs to know, “What is the rational way of adding up the economic damages from loss of the contract to sell TK Widgets?” When the mediator asks, “What are your out-of-pocket costs?” When your defendant’s insurer questions, “What are plaintiff’s out-of-pocket expenses?” “How long was the plaintiff in the hospital?” “What are the injuries that were diagnosed?” These are the times you must be able to respond with a bulleted list which is short, direct, categorized, and dollars-specific.

We provide a form to summarize damages in a personal injury case. Begin completing the form as soon as the case starts. It will help you determine:

- How much the case is worth to you as an attorney, and how much in resources you can afford to spend on the case.
- If there are holes in what should be known about damages. Your staff can work on filling gaps while you are out of the office.

§13.1 Tip and Form: Medical Bills

In the typical bodily injury case the defense puts in a general denial of everything you pleached. That means that at trial you will have to prove the medical treatment was reasonable, that it was caused by the accident, and that the charges were reasonable. Do not be caught flat footed at trial by an objection to introduction of the medical bills on the ground that they have not had the necessary foundation of testimony on what was reasonably necessary for medical treatment.

As soon as the defense gives you a general denial answer, including a denial of your pleading of medical expenses, do two things.

1. Immediately send the defense a risk letter enclosing a medical authorization from your client for them to inspect medical records. Opposing counsel will get it sooner or later, so give it to them right away to justify step 2 below.
2. Sixty days later send out the following Request for Admissions.

We place this Request for Admissions Re Medical Expense behind the “Damages List” tab so that you will handle it during the first ninety days of the litigation. That is the crucial time period for you to establish that you will take no notes from the defense.

13-1

Visible preparation brings settlement leverage

The Bucklin litigation preparation system will also make you and your case settlement-ready. And your readiness, confidence, and organization will be visible. At depositions and conferences, defense counsel will see that you are prepared and focused, your trial notebook is steadily growing in size and value, and your strategies and forms are painfully effective.

Your notebook system will also allow your staff to work on cases in your absence without upsetting your organization, losing important documents, or wasting time on low-value matters. And when you need to work on the case or answer questions, everything will be at hand.

Avoid communication issues with clearly-written client forms

§22.6 BUILDING TRIAL NOTEBOOKS 22 8

§22.6 Form: Settlement Conference Computations

Date/Time: _____ Client/ Case: _____

The following deductions from the gross settlement amount are **approximate only**. The actual deduction may vary because of omissions, bill or items presently overlooked or not yet received or not yet entered into the computer. But this computation may help the client in making the decision to tell the attorney to settle the case.

1. Gross settlement amount offered by defendant: \$ _____
2. Deduct amount going to Insurers with subrogation liens or to Workers' Compensation or other entitled to payment before any others, estimated to be about: \$ _____
3. Which leaves amount of client recovery at: \$ _____
4. Deduct attorney's fee of _____%: \$ _____
5. Deduct investigation and suit costs, about: \$ _____
6. Client net recovery is about: \$ _____

From amount client receives from litigation (line 6 above) Pay for client:

7. Pay for Client amounts of Letters of Protection or other amounts due to medical providers, estimated to be about: \$ _____
8. Which leaves amount for client of: \$ _____
9. Pay for Client loans or advances client has already received from attorney as an advance on the amount recovered: \$ _____
10. Pay for Client other persons noted below, estimated to be about amounts shown: \$ _____
11. Which leaves **Check for Client** of about: \$ _____

Client Direction to Attorney: I have received all the information I have requested from my attorneys. I have exercised my independent judgment whether to settle my case. I believe I should settle for the gross settlement amount now offered by defendant. I authorize and direct my attorney to accept the defendant's offer.

Client Signature: _____

Detailed instructions guide staff in your absence

15 OUR WITNESSES §17

§4.7 Instructions to Staff

INSERT FORM. Prepare one of the WITNESS SUMMARY forms for each of our witnesses. Fill in the name and contact information. Place the Witness Summary forms in alphabetical order behind the Our Witnesses tab.

Read this instruction sheet. Insert the forms called for. Then place this instruction sheet as the last item in this tab section. Throw this instruction sheet away after everyone is so familiar with this section that you no longer need this instruction sheet.

Let the attorney or legal assistant prepare the rest of the Witness Summary sheet, either by handwriting or dictating what is to be typed on the form.

The attorney or legal assistant should make notes, listing — in a summary form — the main items this witness can testify about. Write these items under the line for "What Can Witness Prove." Quite frequently, this listing of expected testimony will need to be revised prior to the trial, but this is the basic place to list the items this witness can provide. Remember that this is only a summary of the essential points.

The form has a space to indicate the personal characteristics of that witness. When a deposition is taken of the witness, or the witness is interviewed, the attorney should make notes on the form provided about the appearance and demeanor of the witness. This information helps in determining the method of handling that particular witness.

File behind the Witness Summary form, for each witness, the miscellaneous materials which are helpful in handling the witness, such as copies of statements, copies of the attorney's notes of interviews or miscellaneous facts, diagrams or notes about what others have to say about the witness ... anything that can be helpful in examination of the witness.

INSERT FORM. Place a "What Other Witnesses Are There?" form behind the tab for "Our Witnesses" until it is given or sent to our client.

Ask our client to make notes on the form and return it to you. Not only is it important to see if he/she knows someone you have not asked or thought about, it is also impressive to the client if you give him/her some form of homework. If there is a "What Other Witnesses Are There?" form behind this tab, it means the client has not yet been asked to respond to that question.

INSERT FORM: A double-sided copy of the WITNESSES FOR WITNESSES in this section of the trial notebook so it is always handy for our attorney to give to a friendly witness.

Broadly-written forms cover a wide range of situations

§17.2 BUILDING TRIAL NOTEBOOKS 17 4

§17.2 Form: Plaintiff's Motion in Limine

The following items are set out as the items not to be disclosed to the jury by the attorneys for Defendants, concerning which an order is requested, to wit:

1.
Any reference to the time or circumstances under which Plaintiff employed attorneys or any reference to other attorneys employed by Plaintiff but not involved in this trial.
GRANTED _____ AGREED TO BY COUNSEL _____
DENIED _____ GRANTED AS MODIFIED ABOVE _____

2.
Any reference to the qualifications or alleged expertise of any of the attorneys.
GRANTED _____ AGREED TO BY COUNSEL _____
DENIED _____ GRANTED AS MODIFIED ABOVE _____

3.
Any reference to the extent to which the Plaintiff's attorneys specialize in personal injury cases, or to the fact that any medical services provider has provided services to other clients represented by Plaintiff's attorneys.
GRANTED _____ AGREED TO BY COUNSEL _____
DENIED _____ GRANTED AS MODIFIED ABOVE _____

4.
Any reference that the Plaintiff has not called to testify any witness equally available by subpoena to both parties in this cause; and any reference or suggestion to the jury by argument or otherwise what would have been the testimony of any witness not actually called.
GRANTED _____ AGREED TO BY COUNSEL _____
DENIED _____ GRANTED AS MODIFIED ABOVE _____

5.
Unless the report is otherwise admitted into evidence as an exhibit (for example, as a medical record), any reference to any expert report or opinion of any person not then and there present in Court to testify and to be cross examined.
GRANTED _____ AGREED TO BY COUNSEL _____
DENIED _____ GRANTED AS MODIFIED ABOVE _____

6.
Any demands or requests by Defendant's counsel before the jury for matters found or contained within files of the Plaintiff or of Plaintiff's attorney (which would include papers of the Plaintiff, letters, pleadings, photographs, and all other documents or tangible items.)
GRANTED _____ AGREED TO BY COUNSEL _____
DENIED _____ GRANTED AS MODIFIED ABOVE _____

Building-block discovery checklists save hours of preparation

31 29 DISCOVERY TOPIC DEPOSITION CHECKLISTS §31.8

- Is that all the deponent knows about the accident?
- Is there anyone else who knows about the accident?

17. REPORTS AND CONVERSATIONS IMMEDIATELY AFTER INJURY

- Who were the witnesses who reported the injury or accident?
- Were any written or electronic reports made? (Obtain all.)
- What was said immediately at the accident scene or by the first reporter?
- What conversation did the deponent have:
 - With the plaintiff?
 - With anyone else?

18. POST-ACCIDENT INVESTIGATION

- Post-accident inspection of premises?
- Accident investigation or report:
 - Is it the company's ordinary practice to make even if litigation not expected?
 - Was the report or were other notes used to refresh memory for the deposition?
- Have there been tests to duplicate the accident or condition?

19. CORRECTIONS BY OWNER OR OCCUPIER OF PREMISES

- Subsequent remedial measures?
- When was dangerous condition corrected?
 - How corrected?
 - By whom?
 - Cost to correct it?
- Conformity to building codes and industry standards?
 - Review photographs of corrections.

20. OTHER SIMILAR EVENTS

- Similar premises?
- Similar accidents?

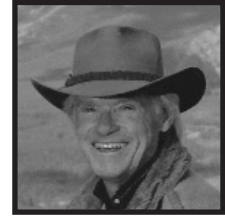
21. LIMIT SURPRISES TO YOURSELF AT TRIAL

- Is there any person we have not discussed today that was a witness to:
 - The accident?
 - The plaintiff's activities on the premises?
 - Maintenance of the premises?
 - The condition of the item or product involved on the accident date?
- Does the deponent have any opinions about the cause of this accident that we have not talked about today?

22. LIMIT DEFENSES

- Did the plaintiff act as the deponent would expect persons on the premises to act?

“My trial notebook system will cut your final trial prep time by as much as 40%. It did for me.”



Leonard Bucklin

Dear Litigator,

If you're like me, preparing the paperwork and spending hours getting ready for trial is not your favorite part of being a lawyer.

Don't get me wrong. I like to try cases, but preparing for the courtroom can drain nearly every ounce of my energy.

Before I had a trial notebook system, I found myself (on more occasions than I'd like to admit) working well into the wee hours of the morning preparing for a trial that started at 9 a.m.

How would you feel if I could show you a straightforward and inexpensive way to prepare for trial? What if my approach saved you 40% of the time it normally takes you to get trial-ready?

Be the best organized lawyer in the courtroom

While practicing for the last 35 years in a successful five-state, plaintiff-and-defense litigation practice, I developed and refined the most effective litigation notebook system ever created.

This proven system is guaranteed to tightly organize your case. You will be so well prepared that you can focus on being your best in the courtroom. In fact, my litigation notebook system is so powerful that attorneys with more resources will wonder how you beat them.

About the Author

Leonard H. Bucklin has been elected a Fellow of the International Academy of Trial Lawyers, which attempts to identify the top 500 trial lawyers in the U.S. He served as a Director of the Academy from 1990 to 1996. He is also a member of the Million-Dollar Advocate's Forum, which is limited to plaintiff's attorneys who have won million or multi-million dollar verdicts, awards, and settlements.

On the other side of the table, Mr. Bucklin has been placed in Best's Directory of Recommended Insurance Attorneys as a result of superior defense work and reasonable fees for over 35 insurers. He was certified as a Civil Trial

Advocate by the National Board of Trial Advocacy, and is an adjunct faculty member of the Round Table Scholars.

His legal experience spans 40 years, and has been balanced between commercial and personal work, between office practice and litigation, and between plaintiff and defense work. He currently spends much time on ethics consulting, serving on various work-groups and ethics committees of legal and medical organizations. Mr. Bucklin may be reached at Leonard@Bucklin.org. If you simply wish to order *Building Trial Notebooks*, please contact the publisher at:

(800) 440-4780 or www.JamesPublishing.com

About the Books and CD

You receive three items:

- 1. The instruction book.** *Building Trial Notebooks* contains 830 letter-sized pages and 33 tabbed dividers in a sturdy 3-ring binder. 670 pages are devoted to the trial notebook system that helped make author Leonard Bucklin one of the top 500 trial lawyers in the nation. 330 pages are filled with Mr. Bucklin's proven tips and strategies for maximizing settlements, effective discovery, and efficient preparation for trial.
- 2. The CD-ROM.** Included at no extra charge is an intuitive, full-text and forms CD which requires no installation before use. It may be searched by key word or topic, or accessed using the digital table of contents. You may open and modify any of the CD's forms simply by using your favorite word processor; you need not work with the CD's search program.
- 3. The trial notebook.** This 3-ring binder contains 25 tabbed dividers, 23 instruction sheets, and dozens of innovative forms, and is ready to use in organizing and preparing your next case. It is sturdy enough to last many trials, and contains a clear-plastic pocket allowing you to swap case-name information. When used with the instruction book and CD, the trial notebook will save you hours of preparation time, and keep you organized and focused.

\$99 buys the two books and CD. They are updated annually for \$59 with replacement pages and a new CD. *Building Trial Notebooks* and its future updates are sold on a 30-day trial basis, and may be returned if not to your liking. The update service may be cancelled at any time.

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Step-by-Step Case Preparation

Yes, send me one copy of Leonard Bucklin's *Building Trial Notebooks*, its CD, and its ready-to-use trial notebook with an invoice for \$99 plus shipping. If not satisfied, I may return the books and CD within 30 days. Send the annual updates on the same 30-day review basis. I may cancel the update service at any time.

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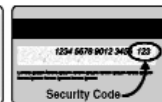
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Bar #: _____ E-mail: _____

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Battle-Ready. Guaranteed.

How to be organized and prepared for depositions, hearings, and trial.

Leonard Bucklin's proven and highly-visible approach to litigation preparation will ensure that your cases and you are always ready for the next skirmish ... even when unanticipated issues and arguments arise.

Mr. Bucklin, who has been identified by the International Academy of Trial Lawyers as one of the top 500 trial lawyers in the U.S., created and polished his litigation preparation system over decades of high-stakes trial work. Now the Bucklin system is available to help you:

1. Plan all aspects of your case so you hit every important point
2. Organize your case from opening to closing
3. Materially reduce your trial preparation time
4. Assemble any case at low cost
5. Keep each document at your fingertips
6. Place litigation matters on staff autopilot
7. Keep opposing counsel on the defensive
8. Earn the respect of the court and opposing counsel with your organization and readiness



The trial game is 75% perception.
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See front page for sample strategies