

Judge April C. Wood joined the Court of Appeals after serving as a District Court Judge in the NC Judicial District 22b for eighteen years. She and her attorney husband, Jeffrey Berg, live in Lexington with their three children. Judge Wood was first elected to the district court bench in 2002 and to the Court of Appeals in 2020.

Judge Wood graduated from Pensacola Christian College, *Summa Cum Laude*. After earning her Juris Doctor degree from Regent University School of Law and passing the NC Bar in 1997, she opened a general practice law office in Thomasville. It was during this time that she became passionate about family law. She became a Certified Family Financial Mediator in 2001. She was sworn in as a District Court Judge in 2002 and became a Certified Juvenile Court Judge during her first term. She recently obtained her LL.M. in Judicial Studies in a joint program through Campbell University School of Law and Nottingham University School of Law.

Judge Wood is a passionate and dedicated community leader. Believing our children are our future and desiring to positively impact as many children and young adults as possible, she has been a regular DARE graduation speaker since 2003. She has been actively involved in several civic and charitable organizations and currently serves on the Board of Cancer Services of Davidson County, Salvation Army of Davidson County, National Theological College and Graduate School, and the North Carolina Memorial Day and Celebration Committee.



# **VIEW FROM THE BENCH**

## **TIPS ON HOW TO PRESENT YOUR CASE**

**Judge April C. Wood**


## 7 Tips for an Efficient and Effective Trial Preparation

- 1. PLAN EVERY ASPECT OF THE CASE.
- 2. ENSURE PROPER COMMUNICATION BETWEEN EVERYONE CONNECTED TO THE CASE.
- 3. KNOW THE JUDGE PRESIDING OVER THE CASE.
- 4. PREPARE WITNESSES FOR TRIAL.
- 5. ALWAYS PRESENT A CALM DEMEANOR.
- 6. PREPARE A TRUE AND BELIEVABLE STORY.
- 7. UTILIZE TECHNOLOGY IN YOUR TRIAL PREPARATION.

## FOCUS ON 3 OBJECTIVES FOR PARALEGALS - THE REAL POWER BEHIND THE LAWYER

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- 1. HOW TO ORGANIZE THE FILE IN PREPARATION FOR TRIAL.
- 2. HOW TO DETERMINE THE CLIENT'S GOALS AND MANAGE EXPECTATIONS AND HOW TO MANAGE THE CLIENT.
- 3. HOW TO MANAGE AND TO PREPARE WITNESSES AND TRIAL EXHIBITS.

A black and white photograph of a desk setup. In the center is a spiral-bound notebook with the text "PREPARATION IS THE KEY" written in a bold, hand-drawn font. To the left is a laptop. Above the notebook is a cup of coffee with latte art on a saucer. To the right is a glass filled with pencils and pens, with a plant in a white tray behind it. In the bottom left corner, a pair of glasses is visible. In the bottom right corner, a tablet is partially visible. The desk surface is a light-colored wood grain.

**PREPARATION  
IS THE KEY**



## ***How to organize the file in preparation for trial***

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- INFORMATION IS POWER SO IT IS IMPORTANT TO BE ABLE TO FIND THINGS QUICKLY!
- TABS AND FOLDERS WORK WELL.
  - COMPLICATED CASE OR CASE WITH LOTS OF FILINGS - USE NOTEBOOK WITH DIVIDERS
  - FILE FOLDER WITH TOP TABS WORKS WELL - ALWAYS PUT INDEX SHEET ON TOP OF BOTH SIDES AND DIVIDE SIDES BY INFORMATION
  - UNLESS STRAIGHTFORWARD CASE WITH FEW EXHIBITS, PREPARE FOLDER FOR EXHIBITS
  - LARGE CASES WILL NEED ACCORDION FILES
  - DON'T FORGET THE TIMESHEET!
  - IT IS OF UTMOST IMPORTANT TO BE ABLE TO FIND FILINGS AND EXHIBITS IN THE MIDDLE OF TRIAL WITHOUT TAKING TOO MUCH TIME.

# *How to determine the client's goals and manage expectations and manage the client*

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- **\*\*THIS IS PERHAPS THE TRICKIEST BUT MOST IMPORTANT THING TO DO IN EVERY CASE.**
- **IN A CRIMINAL CASE:**
  - **PREPARE CLIENT FOR EVERY POSSIBLE OUTCOME, INCLUDING INCARCERATION.**
  - **EXPLAIN THE POST-CONVICTION PROCESS, EVEN IF YOU BELIEVE THE CLIENT IS NOT GUILTY.**
- **IN A CHILD CUSTODY CASE:**
  - **IF A CLIENT'S CASE IS GOOD FOR CUSTODY, PREPARE HIM OR HER FOR ALL POSSIBLE OUTCOMES.**
  - **IF CLIENT'S CASE IS NOT GOOD FOR CUSTODY, DON'T GET HIS/HER HOPES UP**
  - **IF CLIENT IS A DRUG ADDICT, PREPARE HIM/HER FOR POSSIBILITY OF SUPERVISED OR EVEN NO VISITATION.**

- \*\*\*IF A CLIENT KNOWS WHAT TO EXPECT IN COURT, THEN HE/SHE IS MORE LIKELY TO SETTLE IF THE OFFER IS GOOD AND MUCH LESS LIKELY TO HAVE A **BREAKDOWN** IN COURT OR IN YOUR OFFICE.
- \*\*\*SETTING CLIENTS UP FOR UNREALISTIC EXPECTATIONS IS SETTING UP YOUR LAWYER FOR A POSSIBLE BAR COMPLAINT OR A CASE THAT “NEVER ENDS.”



- READ THE COMPLAINT. MAKE SURE EVERYTHING IS CORRECT.
- READ THE COUNTERCLAIM AND ALL MOTIONS.
- READ EVERYTHING AND KNOW EVERYTHING THERE IS TO KNOW ABOUT THE FILINGS.
- READ EVERY DISPOSITION, REPORT, EXHIBIT, ETC.
- THE KEY IS TO READ AND KNOW WHAT IS IN THE FILE AND WHERE TO FIND IT.



Ask your lawyer what the judges in your jurisdiction normally do in the circumstances in your case and advise your client accordingly.

**Know who the judge will be and know your judge.**

- YOU WILL NEED TO HOLD THE CLIENT'S HAND, BUT DO NOT COMMISERATE WITH THE CLIENT.
- DO NOT GET SUCKED IN ON A PERSONAL LEVEL WITH THE CLIENT.
  - EMPATHY IS GOOD BUT
  - BEING EMOTIONALLY INVOLVED/INVESTED IS NOT GOOD OR TRULY HELPFUL
- BE HONEST WITH THE CLIENT.
- IF THE CLIENT CANNOT PROVE ALL THE ELEMENTS OF THE CASE, HE/SHE WILL LOSE. ON THE OTHER HAND, LOOK AT WHAT THE CLIENT CAN DO TO MINIMIZE THE DAMAGE AND PREPARE THE CLIENT.



## HOW TO MANAGE AND PREPARE WITNESSES AND TRIAL EXHIBITS

- YOU CANNOT BE TOO ORGANIZED.
- ORGANIZED DOCUMENTS HELP THE CASE FLOW SMOOTHER AND KEEPS THE ATTORNEY AND PARTIES CALM.
- PREPARE A FOLDER FOR DOCUMENTS.
  - IF YOU USE AN ACCORDION FILE (WHICH IS A GREAT TOOL) OR JUST A LARGE FILE, USE TABS AND AN INDEX.
  - PREPARE A COPY OF EACH EXHIBIT FOR THE OTHER SIDE AND FOR THE JUDGE
  - DO NOT HIGHLIGHT OR MARKUP THE EXHIBIT TO BE INTRODUCED TO THE COURT OR TO THE JURY
  - TRY TO PUT THE DOCUMENTS IN THE SAME ORDER IT IS ANTICIPATED THAT THEY WILL BE USED IN TRIAL
  - DO NOT MARK THEM IN ADVANCE BECAUSE THE TRIAL MIGHT NOT GO THE WAY ANTICIPATED. ATTORNEYS CAN MARK THEM AS INTRODUCED.

## **Pictures are a great tool!**

- PICTURES HELP TELL A STORY.
- PICTURES ARE ESPECIALLY HELPFUL IN A CASE WHERE THE LOCATION IS UNIQUE
- PICTURES ARE HELPFUL WHEN USED TO PAINT THE SCENE OR THE STORY.
- PICTURES ARE ESPECIALLY HELPFUL IN CUSTODY CASES.



# WITNESSES

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- WITNESSES ARE A KEY COMPONENT TO PRESENTING A SUCCESSFUL CASE
- THE WITNESS SHOULD HAVE SEEN , HEARD, OR OTHERWISE EXPERIENCED WHATEVER YOU WANT THE WITNESS TO PROVE.
- HAVE CLIENT SUPPLY A LIST OF POTENTIAL WITNESSES AS SOON AS POSSIBLE AND UPDATE AS OFTEN NECESSARY (ASK FOR WITNESSES THROUGHOUT THE CASE BECAUSE CLIENTS TEND TO FORGET)
- TALK TO WITNESSES IN ADVANCE TO KNOW WHAT THEY WILL SAY. (LAWYER RULE: NEVER ASK A QUESTION YOU DO NOT KNOW THE ANSWER TO .)
- PREPARE THE WITNESS BY ASKING QUESTIONS RESEMBLING DIRECT AND CROSS-EXAMINATION SO THEY KNOW WHAT TO EXPECT AND BE LESS LIKELY TO PANIC IN COURT
- SUBPOENA THE WITNESS (EVEN IF THEY ARE NOT PROFESSIONALS: - THAT WAY THEY WILL SHOW UP AND WILL HAVE A VALID EXCUSE FOR MISSING WORK, SCHOOL, ETC.)
- IF THE DATE AND TIME IS NOT FIXED, PUT THE WITNESS ON TELEPHONE STANDBY AND USE PHONE NUMBER THEY WILL RECOGNIZE
- IF YOU ARE USING AN EXPERT, TRY TO GIVE HIM/HER A REALISTIC WINDOW OF TIME WHEN THEY WILL BE NEEDED.

# WITNESS FILES SHOULD INCLUDE:

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- PREPARED FILES FOR ATTORNEY AND WITNESS PREPARATION
- DEPOSITION TRANSCRIPTS, EXHIBITS, AND SUMMARIES
- ALL DISCOVERY THAT REFERS TO THE WITNESSES EXPERTISE OR KNOWLEDGE OF EVENTS
- DECLARATIONS, AFFIDAVITS , SWORN STATEMENTS BY THE WITNESS
- DATABASE HITS AND SEARCHES, INCLUDING FROM EXTERNAL DATABASES LIKE LEXISNEXIS OR GOOGLE
- KEY DOCUMENTS THAT RELATE TO THE WITNESS
- CORRESPONDENCE TO OR FROM THE WITNESS
- NOTES, INTERVIEWS, MEMOS OF FACTS
- SUBPOENAS OR NOTICE TO APPEAR AT TRIAL (WITH PROOF OF SERVICE)
- EXHIBITS TO BE USES, INCLUDING ANY DEMONSTRATIVE EXHIBITS
- WITNESS EXAMINATION OUTLINES FOR DIRECT, CROSS, OR REBUTTAL



# EXPERT WITNESS DOCUMENTS TO OBTAIN:

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- CV OR RESUMÉ
- ALL REPORTS PREPARED BY THE EXPERT FOR THE CASE
- LIST OF ALL DOCUMENTS RELIED UPON BY THE EXPERT IN THE PREPARATION OF HIS/HER REPORT(S)
- COPY OF ALL DOCUMENTS RELIED UPON BY THE EXPERT IN THE PREPARATION OF HIS/HER REPORT(S)
- ALL PUBLICATIONS BY THE EXPERT THAT RELATE TO THE SUBJECT MATTER OF THE CASE

# USING TRANSCRIPTS AND DEPOSITIONS AT TRIAL

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- FOR IMPEACHMENT PURPOSES OR IN PLACE OF AN ABSENT WITNESS:
- THE TRANSCRIPTS NEED TO BE IN THE COURTROOM DURING TRIAL
  - ORIGINAL OR CERTIFIED COPIES WITH EXHIBITS IN SEALED ENVELOPES
  - COMMUNICATION WITH THE COURT OR CLERK ON PROTOCOL OR PROCEDURE
- IF THE PARTIES WILL USE DEPOSITION TESTIMONY IN LIEU OF OR IN REBUTTAL TO TESTIMONY FROM LIVE WITNESSES, DEPOSITION DESIGNATION MUST BE PREPARED.
  - COMMUNICATE WITH THE COURT ON PROTOCOL AND PROCEDURE (VARIES AMONG JURISDICTIONS)
  - DESIGNATIONS ARE EXCHANGED BY THE PARTIES
  - PARTIES MAY OBJECT TO THE USE OF DESIGNATED TESTIMONY
  - TRACKING THE DESIGNATIONS, OBJECTIONS, COUNTER-DESIGNATIONS, AND ULTIMATE RESULTS ARE ESSENTIALS

# THE TRIAL EXHIBIT LIST

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- EXHIBITS ARE SUPPOSED TO BE EXCHANGED BEFORE TRIAL
- MAKE SURE THE FORMAT IS CORRECT (CHECK LOCAL RULES)
- PREPARE A COMPREHENSIVE EXHIBIT LIST FOR USE AT TRIAL
  - INCLUDES ALL THE EXHIBITS (NOT JUST YOUR SIDE)
  - EXHIBIT NUMBERS
  - DESCRIPTIONS
  - SPONSORING WITNESS
  - BATES RANGE OR OTHER IDENTIFYING INFORMATION
  - THIS LIST IS UPDATED AS THE EXHIBITS ARE MARKED OR ADMITTED INTO EVIDENCE

# USING TECHNOLOGY CAN MAKE A DIFFERENCE

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- TO THE TRIER OF FACT
  - SIMPLIFIES THE PRESENTATION OF THE CASE
  - JURORS ARE MORE ENGAGED, ATTENTIVE, AND FOCUSED
- USE OF TECHNOLOGY WILL SAVE TIME AT TRIAL
  - INSTANTANEOUS ACCESS TO EVIDENCE
  - ILLUSTRATIONS AND GRAPHICS SHORTEN PRESENTATION TIME
  - ELECTRONIC DISPLAY ALLOWS EXHIBITS TO BE PREVIEWED QUICKLY WHEN OBJECTIONS ARE RAISED
- USING TECHNOLOGY MAY REDUCE EXPENSE TO THE CLIENT
  - THE TRIAL WILL PROBABLY BE SHORTER
  - OTHER EXPENSES CAN BE REDUCED AS WELL (RESEARCH, COPIES, SHIPPING, ETC.)



**Advanced planning is essential!**



- TRIAL CAN BE THE BEST OF TIMES AND THE WORST OF TIMES.
- TO KEEP YOUR EXPERIENCE AND THE EXPERIENCE OF YOUR CLIENT POSITIVE:
  - PLAN AHEAD
  - BE ORGANIZED
  - USE YOUR RESOURCES EFFECTIVELY