

ANATOMY OF A TRIAL

1. **PRE-TRIAL CONFERENCE**
2. JUDGE **DESCRIBES** THE CASE (KEY WORDS)
3. **INVOKING THE RULE** — FRE 615
(WITNESSES SWORN IN) —
4. **VOIR DIRE** — [*JURY SELECTION*]
5. **OPENING STATEMENTS**
[CAVEAT! — MOTION TO DISMISS! — ADMISSIONS]
6. **PLAINTIFF'S CASE-IN-CHIEF**

 - (a) **PLAINTIFF'S DIRECT EXAMINATION**
 - (b) **DEFENDANT'S CROSS EXAMINATION**
 - (c) **PLAINTIFF'S RE-DIRECT**
 - (d) **DEFENDANT'S RE-CROSS**

[REPEAT PROCESS WITH OTHER WITNESSES]
7. PLAINTIFF **RESTS** — [ASK FOR RECESS **BEFORE!**]
8. DEFENDANT'S **MOTION FOR DIRECTED VERDICT**
[ARK. R. CIV. P. 50(a)]

9. **DEFENDANT'S CASE-IN-DEFENSE**

- (a) **DEFENDANT'S DIRECT EXAMINATION**
- (b) **PLAINTIFF'S CROSS EXAMINATION**
- (c) **DEFENDANT'S RE-DIRECT**
- (d) **PLAINTIFF'S RE-CROSS**

[REPEAT PROCESS WITH OTHER WITNESSES]

10. DEFENDANT **RESTS** — ARK. R. CIV. P. 50(a) [ASK FOR RECESS **BEFORE!**]

11. PLAINTIFF'S **MOTION**

12. PLAINTIFF'S **REBUTTAL**

13. DEFENDANT'S **SURREBUTTAL**

14. MOTIONS AT THE CLOSE OF **ALL** THE EVIDENCE.

(a) CIVIL CASE — ARK. R. CIV. P. 50(b)

(b) CRIMINAL CASE — ARK. R. CRIM. P. 33.1

FAILING TO MAKE THIS MOTION WAIVES A PARTY'S RIGHT TO CHALLENGE THE SUFFICIENCY OF THE EVIDENCE ON APPEAL.

SEE WILLIS v. STATE, 334 ARK. 412, 417-18 (1998)

SEE WILSON SAFETY PRODS. v. ESCHENBRENNER, 302 ARK. 228 (1990)

[CAVEAT! THE 50(b) (OR 33.1) MOTION MUST BE MADE BEFORE THE JURY IS INSTRUCTED AND BEFORE CLOSING ARGUMENTS!]

15. CONFERENCES WITH THE JUDGE REGARDING JURY INSTRUCTIONS.

16. JUDGE INSTRUCTS THE JURY.

17. CLOSING ARGUMENTS — (ARGUE!)
 - (a) PLAINTIFF/PROSECUTOR (OR PARTY WITH THE BURDEN OF PROOF) SHOULD REQUEST REBUTTAL TIME.
 - (b) PREPARE KEY **JURY INSTRUCTIONS, EXHIBIT**

[BLOWUP! POWERPOINT! TRANSPARENCY, VIDEO CLIP!]
TO USE DURING CLOSING.
 - (c) CONTENTS OF CLOSING:
 - (i) **PROMISES** FROM THE OPENING;
 - (ii) EVIDENCE **SUBMITTED** AND **RECEIVED** DURING TRIAL;
 - (iii) **CREDIBILITY** OF WITNESSES;
 - (iv) REASONABLE **INFERENCES**;
 - (v) TELL THE JURY **WHY** CLIENT IS ENTITLED TO THEIR VERDICT. — ASK FOR VERDICT!
18. JURY RETIRES TO DELIBERATE
19. JURY'S VERDICT
20. POST VERDICT MOTIONS