

Protect the Record

- 1) Why protect the record?
 - a. Factors governing reversal: waiver, error, prejudice.
 - b. You control waiver and prejudice (offer of proof).
- 2) If demurrer is a threat, amend your complaint to make factual allegations as specific as possible.
- 3) For juror bias, voir dire must be transcribed and questions must be specific.
- 4) Get limine rulings on the record and be vigilant when the issue resurfaces.
- 5) Objections must be timely and state all grounds (new grounds cannot be added on appeal).
- 6) For objections or rulings at sidebar or in chambers:
 - a. File notice of objection and rulings.
 - b. Use your declaration in the new trial motion to document parties' positions and court's ruling.
- 7) Getting your evidence in the record:
 - a. File any depo excerpts shown or read to the jury.
 - b. Create 8.5 x 11 reduction of large exhibits.
 - c. Elicit specific witness testimony—"from here to there" is meaningless to the Court of Appeal.
- 8) File your requested instructions with the clerk.
- 9) If conference on instructions or verdict form is not transcribed, put adverse rulings on the record.