

# Civil Case Tip Sheets

## How to Take Notes During Your Trial

This resource is part of the [Civil Case Tip Sheets](#) series. It was developed to help self-representing litigants prepare for trial. The Tip Sheets provide general information. They do not provide legal advice. Only a lawyer can provide legal advice.

### Notes for Yourself

Before the trial, write down the points you want to make when you testify. Do not write down everything because it will sound awkward and unconvincing. During the trial, testify and then ask the judge to let you look at your notes to make sure that you covered all your points.

### Notes for Questioning Witnesses

Before the trial, write down the questions you want to ask your witnesses and the purpose of each question. Use these notes as a guide when you question each witness. Do the same thing for the questions you want to ask when you cross-examine the other side's witnesses.

### Notes of the Evidence as Witnesses Speak

During the trial, it is hard to write as fast as witnesses talk and to keep all the information straight. Here are some ways to solve this problem:

- Abbreviations — write a list of abbreviations before the trial—here are some examples:
  - F = Father, M = Mother
  - P = prosecutor or C = Crown counsel
  - DR = doesn't remember
  - DK = doesn't know
  - AB = Alan Ball (witness)
- Events — often, the evidence in a trial will cover different events. Label each event in your case to ensure you don't confuse them or the evidence. For example, there may have been two contracts or incidents. In that case, you could label them "Incident 1 and Incident 2" or "Supplier Contract and Server Contract."
- Witnesses — number each witness in your notes. Make an index of witnesses on a separate piece of paper. Show the order of witnesses and describe what each witness looks like. This will help you picture the witnesses when you try to remember their evidence. Also, in your index, record the page number of your notes where their evidence begins.

Write down what each witness says, as accurately as you can. Do not be too detailed because it will slow you down and let witnesses for the other side think about their answers and prepare for your next questions. If a witness testifies about the exact words someone said, record what they say exactly, word for word.

As you cover each question, mark beside it whether you made your point through the witnesses. Use a check mark if you made the point and an X if you didn't. If something else happened, make a short note of it. Before you finish, make sure you asked all your questions and made all your points.

- Exhibits — number each exhibit used in the trial and make a short note to describe it. Make an index of exhibits on a separate piece of paper with the name and number of each exhibit and the page of your notes that refers to the exhibit. This will help you review the evidence later.

### **Check the Evidence**

After each witness testifies, or as soon as you can, make a note of your impressions of the witness. If the trial does not finish that day, at the end of the day summarize what all the witnesses said and how they behaved. For example, were they believable? The trial is tape-recorded by the court clerk. If the judge thinks it is important, certain parts of the evidence may be played back.

### **Organize Your Notes and Paper**

Before your trial starts:

- Number the pages. This will help you find important points in your notes later on.
- Draw a line down the centre of each page and use each column as follows:
- Use the left column to write down:
  - Comments, reminders, physical descriptions, and general impressions of witnesses.
  - Any contradictions between the stories witnesses tell—you may want to mention these in your submissions.
  - Important non-verbal behaviour of witnesses, like “slow to answer,” or “face reddened,” etc.
  - Explanations of abbreviations in your notes.
- Use the right column to write down:
  - The evidence—what the witnesses actually say and what documents or items are presented.

### **Take Pens and Paper**

Take several pens and lots of paper to court to make notes. Take a coloured pen to highlight important points.

### **Make Your Submissions (final arguments)**

You must support the points in your Submissions with witness statements. Keep a record of the page numbers where the information is located in your notes. You need to show that you made accurate notes and that you can support your arguments with specific evidence.