

GENERAL TRIAL STRATEGIES

- I. Know your judge
 - A. Knowledge of real estate value issues
 - i. Tax court
 - ii. Eminent domain
 - iii. Judge's practice as an attorney
 - B. Knowledge of the subject property
 - C. Picking your judge?
 - i. Jurisdictions w/ complex litigation divisions
 - D. Advance indications
 - i. Motions to strike/PSJ
 - 1. Get to know the judge
 - 2. Get the judge to know you
 - 3. Early indications of areas of concern
 - ii. Motion to strike or motion for summary judgment?
- II. Know your witness
 - A. Fact witness - Assessor
 - i. Who is the witness
 - 1. Person/s who developed the assessment
 - 2. Manager of the department
 - ii. Appraisal knowledge
 - iii. Ability to communicate on the stand
 - B. Can the elected assessor be forced to testify?
 - C. Should the owner testify?
- III. Motions before trial
 - A. Striking the appraisal/testimony
 - B. Motion for summary judgment
- IV. Opening Statements
 - A. Written or Oral
- V. Theme of the case
 - A. When you file the lawsuit - Start at the end
 - B. Often theory issues
 - C. Simplify the case
- VI. Evidentiary Issues
 - A. Pre-admitting documents
 - i. Requests to Admit

- ii. Stipulations
 - B. Evidence notebook
 - i. Arguments for or against documents/testimony.
- VII. Setting Up the Appeal
 - A. Raising legal issues
 - i. Definition of value
 - ii. Definition of interest assessed
 - iii. Unaccepted Methodologies
 - iv. Violation of appraisal theory