

IAAO PRESENTS



PREP&TRIAL

JULY 10 - 11, 2025
COLUMBUS, OH



Post Trial Considerations

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Trial is Over!

You're exhausted, fatigued, need to sleep....



Trial is Over!

You're exhausted, fatigued, need to sleep....

And you're not done.



Written Closing Statement?

Yea or Nay?



Written Closing Statement?

- The judge won't remember everything.
- You get to emphasize the good, diminish the bad.
- Provides the court with an outline for a final judgment
- The lawyer gets to “testify” (What??)
- If you did a written pre-trial memo, you are halfway done
- You've also just drafted a proposed final judgment/appellate brief



Written Closing Statement - Contents

- Reiterate facts and testimony
- Lay out the law
- Lay out the appraisal theory
 - Authoritative sources referenced in other appellate decisions
 - Rationale used by other appellate courts



Written Closing Statement – Contents

Can you cite to treatises or portions of treatises not admitted into evidence?

- Did an expert recognize it as an authoritative text?
- Have appellate decisions cited to the same text?
- Do statutes reference or incorporate the document?
 - The Appraisal of Real Estate/USPAP



Drafting a Proposed Final Judgment

(If you did a written closing statement, your work is done.)

Make it appeal-proof!

- Cite to record for facts/testimony – court’s weighing of evidence
- Cite to the law – opposing side’s position contradicts the law



Settlement

Yes, cases settle after trial...



Appeal

- **Is there an appealable issue?**
- **Does an obviously appealable issue result in settlement?**
- **Do you want to establish precedent?**
- **Or, do you live to fight another day?**

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Thoughts?

And thank you...

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