

DOCUMENT 9

RECORD PRESERVATION, POST-TRIAL MOTIONS & APPEAL

OBJECTIVE

Most cases are won or lost before an appeal ever begins. The purpose of record preservation is to ensure that issues remain available for review after trial.

LD CONTEXT

The Liberty Dialogues teaches that process matters. If an issue is not preserved, later review may be impossible regardless of merit.

AFTER THE VERDICT

If the verdict is favorable, remain calm and respectful. If the verdict is unfavorable, remain calm and begin preserving issues immediately.

EXAMPLE – PRESERVING ERROR

Defendant: 'Your Honor, I respectfully object for the record and request that my objection be noted.'

Do not argue. State the objection and preserve it.

EXAMPLE – DENIAL OF PROCEDURAL LATITUDE

Defendant: 'Your Honor, I respectfully object to the denial of reasonable procedural latitude and request that the objection be noted for the record.'

POST-TRIAL MOTION SEQUENCE

1. Review the record. 2. Identify preserved issues. 3. File appropriate post-trial motions. 4. Obtain rulings. 5. Prepare for appeal if necessary.

NOTICE OF APPEAL

If appeal becomes necessary, file the Notice of Appeal within the applicable deadline. Missing a deadline can be fatal to the appeal.

COMMON MISTAKE #1

Assuming the appellate court will consider issues that were never preserved.

COMMON MISTAKE #2

Becoming emotional after verdict and abandoning structure.

COMMON MISTAKE #3

Failing to obtain a ruling on a motion or objection.

PRACTICAL RULE

If an issue matters, preserve it. If it is preserved, document it. If documented, include it in the appeal when appropriate.

FINAL PRINCIPLE

The purpose of post-trial practice is not revenge. It is preservation, review, and disciplined continuation of the process.