

DEBT COLLECTION TRIAL CHECKLIST

- [] Create a Trial Notebook. Have everything you need in there and tabbed off.
- [] Create a Trial Brief for the Court/Arbitrator/Mediator. Minimal and easy to read.
- [] Know the rules of the forum or venue you are in.
- [] Have the Collection Lawsuit and Documents available. **Tab the linchpin or bad part of the lawsuit.**
- [] Have your Answer and Counter Affidavit available.
- [] Write a one-page synopsis of why you should win the case or how the other side has not met its Burden of Proof under their claims. **This is your Opening Statement.**
- [] Have relevant case law or statutes. Bring law on Account Stated Statute, Breach of Contract and Unjust Enrichment and know elements.
- [] Have three copies of everything you use at trial. Copy for everyone involved and have the parts you want read tabbed off or highlighted.
- [] Have the Elements of each statute or claim they claim they have violated in the lawsuit. Knock out ***one element*** and you win the case. It is like showing a bad chain of title. One assignment missing: No ownership.
- [] Have the Bill of Sale or Assignment you dispute and highlight what is missing.
- [] Creditor case? Have the contract they produced highlighting why it is not yours, or governing law does not apply and use the elements of the law argument.
- [] Know your state rules or law for the **Elements** of each statute or claim they claim they have violated in the lawsuit. Knock out *one*

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[] Check off when you prove or disprove something. Then underneath the checked off topic, write down what evidence proves that topic.

Ex. No contract was signed. Absence of contract or no agreement between the parties is a missing element. If you want to just focus your whole case on that, you win if you can show a missing element.

[] Closing Statement should be your Opening Statement and should be your Theme. Use the One Page Synopsis.

[] Have a Check list for your Argument or Synopsis so as you argue, you check off what is needed. It does not hurt to repeat any significant proof or winning point for your side.

[] ONE MISSING ELEMENT, YOU WIN. FOCUS ON THAT.

[] DON'T FORGET TO ASK FOR WHAT YOU WANT THREE TIMES. Beginning, Middle and End.