



Getting Ready for a Court Hearing or Trial

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- ❖ Read this only if you live in the state of Washington.
 - ❖ **Coronavirus/COVID-19 update:** read Tips for Phone and Video Hearings, available at WashingtonLawHelp.org.
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Do I need a lawyer?

If you can afford to have a lawyer represent you, you should.

How do I find a lawyer?

Your county bar association or volunteer lawyer program might be able to help you find one.

Ask friends or relatives about experiences they have had with particular lawyers.

I cannot afford a lawyer.

It might cost less to meet with a lawyer just to talk about your hearing or trial and how to get ready for it. You can hire a lawyer to help you get ready to represent yourself.

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- ❖ Getting ready for and taking part in a trial or hearing is complicated. We offer just a few tips here.
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What should I know about witnesses?

The court generally only allows witnesses at trial, not at hearings. At hearings, the court relies on written declarations and your arguments.

Hearings can determine temporary, agreed, or some procedural matters. The **trial** is where you give evidence and arguments for the judge to use in making a final decision.

Can I find out who the other party's witnesses will be at trial?

Generally, the best way to find this out is to ask the other lawyer or party. If the other party files a "Notice for Trial Setting" or similar document, they must list the number of witnesses they plan to call. They do not have to give the witnesses' names.

In some counties, you must follow a **case schedule**. It sets a date for you to exchange witness lists with the other party. You should get the other party's witness list by the date on the case schedule.

I gave the other party my witness list. They did not give me one.

Send them a letter or email asking for their list. If they never give it to you, at the time of trial you can ask the judge not to let them call any witnesses at all. Show your copy of the letter or email asking for a witness list.

Who should my witnesses be?

Custody or visitation cases: one of your witnesses should be the evaluator (from Family Court services or CASA, sometimes called the "guardian ad litem" or "GAL") who investigated the case. Any counselors who have treated the children or CPS workers who will support your case should also be witnesses.

Call these people as witnesses only after you have talked to them. You must feel comfortable what they will tell the court will help your case.

You will also be a witness for your case.

Other good witnesses could be people familiar with your care of the children and, if possible, the other parent's care of them. Schoolteachers, childcare workers, neighbors, friends and relatives could be good witnesses.

❖ The court might expect friends and relatives to support your story.

How can I make sure my witnesses come to trial?

Give them as much notice as you can of the trial date. Then you should serve **subpoenas** on witnesses you are not sure will show up.

A subpoena lets the court require a witness to come to trial. If you subpoenaed someone who does not show up for trial, the court can order a bench warrant for their arrest.

You do not need to file a copy of the subpoena with the court. Do bring the copy to trial in case the witness does not show up.

Do I need to give the court any forms?

Yes. You must fill out a few before your trial. You give them to the judge and a copy to the other side when you arrive for trial.

In many counties, you must fill out a **financial declaration** if there are any issues over child support, maintenance (alimony), or property. Get this form from the court clerk's office. On it, you put information about your income and expenses. You should attach tax forms and paystubs. If you are asking to change child support, you must also provide check registers and bank statements.

If child support, custody, or visitation is an issue, you must also bring proposed child support worksheets and/or a proposed parenting plan. **Bring four copies of any order you are proposing.**

❖ Whenever you file something with the court, you must give the other party a copy of it.

What else should I bring to court?

A list of the names of your witnesses - File the original. Give the judge and the other party a copy.

Exhibits – if you use any, bring the originals and three copies of each document, paper, or picture you want the judge to consider. Bring them to the courtroom early so the clerk can mark them. Make a list of your exhibits to keep track of them.

If your trial is about **child support**, bring your most recent pay stubs and W-2, and last year's tax return. Fill out Child Support Worksheets using the income you have and the other parent's income. Fill out a (proposed) Child Support Order. Bring four copies of everything.

If your trial is about **maintenance**, bring your most recent pay stubs and W-2, last year's tax return, and a completed Financial Declaration. Bring any other documents you feel support your position. Bring four copies of everything.

Write a trial memo. Try to write a short summary of what you want and why. Break it down into sections: parenting plan, child support and maintenance, division of property, debts.

How should I handle myself in court?

This is stressful. Do your best to stay calm. The judge may give you choices how to present testimony. You can:

- Ask yourself questions and then answer them.
- Tell a short story about your side of the case.

Plan for whichever you choose. Write notes for yourself about the important points in your case. Judges do not care for long testimony, especially when it is not relevant (related to the case). The judge will appreciate a **brief clear statement** of what you want and why you think you should have it. Summarize your main points. Then give more explanation.

How do I question witnesses?

You must ask your witnesses questions. You will also have a chance to question the other side's witnesses.

Write out the questions you believe are important to ask so you do not forget them. List points you want to make so you can check them off as you make them.

You can practice with your witnesses ahead of time. Stress to them that they must tell the truth.

In the courtroom, you start by asking the witness their name and address. If your witness is a counselor or other professional, ask:

- what their job is
- what their educational degrees are
- how long they have been doing their job

Then ask specific questions about the information they have about your case.

With the other side's witnesses, the other side will question them first. The judge will give you a chance to "cross-examine" them (ask them your own questions).

Never ask a question you do not know the answer to. The answer may hurt your case more than help you.

You can choose not to cross-examine a witness if you think they will just repeat their direct testimony. It might be better to wait and contradict their testimony, either with your own testimony or with the testimony of one of your witnesses.

What if I need more help?

Call CLEAR to find out if your county has any free legal services available. In King County, you can make an appointment for a free half-hour with a lawyer at a Neighborhood Legal Clinic. You can also contact your local bar association for more resources. Fill out all your paperwork before going in for your appointment. This way, the lawyer can better answer your questions. [Getting Your Paperwork Ready so you can Get Help with Your Family Law Case](#) can help you get ready for your appointment.

Tips for Courtroom Behavior

- Be in the courtroom at least fifteen minutes before the trial is set to start. **Never be late.**
- Your witnesses must be ready to go when they call your case for trial. If you do not need a witness for several hours, make sure they are available within ten to fifteen minutes with a quick phone call.
- Plan to be at court all morning. Your case might not be the first one called.
- **Do not bring your children.** If your children will be speaking to the judge, they should wait outside the courtroom during the trial.
- You can bring a friend for moral support. That person must not speak once they call your case.
- Go into the courtroom and sit quietly to wait for them to call your case.
- In the courtroom, do not chew gum, eat, drink, read a newspaper, sleep, wear a hat, listen to earphones, use a cell phone, camera, or camera phone, or carry a weapon.
- Go over your paperwork before the hearing. Know your papers. If you or one of your witnesses has filed a declaration in the case, the person's testimony must be the same as what they said in the declaration. You may use written notes or an outline during the hearing.
- Stand when the judge enters the courtroom. Listen to the court staff. They may announce other times when you need to stand.

When it is your turn to go before the judge:

- When it is time for your hearing, the clerk or judge will probably read all the cases scheduled for hearing at that time. When they call your name, you must answer. If asked, tell the judge if your case is agreed or a default, or if there will be argument.
- When they call your case for hearing, walk to the table or podium for lawyers in front of the judge. Stand facing the judge. The judge will tell you when to speak. Speak only to the judge. Speak only when it is your turn.
- Opening and closing statements: You address the judge at both the start and end of the trial. Summarize what you want and why. Be brief. Be clear. Be as specific as you can.
- Listen carefully.
- Do not interrupt or speak to the other party, even if they interrupt or speak to you. Try to appear polite and reasonable. Staying calm even when the other party is rude or lies will impress the judge. You will get your turn to prove the other party wrong.
- If you need to explain something the other party said, wait your turn or ask to speak again.
- When you talk to the judge, start by saying "Your Honor."
- Speak loudly and clearly so the judge can hear you. Use words, phrases and terms you understand. Keep your hands away from your mouth. Control your emotions. Stay calm.
- Do not ramble. You may have no more than five minutes to speak. Before you work on what you want to say, call the court clerk. Ask about the time limits for your county.
- Stick to the facts.
- Do not talk about issues that do not support your case.
- Try not to use first names in addressing anyone in the courtroom.
- Only one person can speak at a time. A court reporter takes down everything said in the courtroom. The reporter can only record one speaker at a time.
- The judge will ask questions. **If you do not understand a question, say so.** Do not answer until you fully understand the question.
- Take your time answering questions. Give a question as much thought as you need to understand it and come up with your answer. Explain your answer if needed.

- It is okay to admit that you do not know the answer to a question.
- If you are stating dates, times and places, **be exact**. If you cannot be exact, say you are only estimating.
- Be polite.
- The other party might **object** to something. Do not interrupt until they say why. The judge will let you respond. Then the judge will rule on the objection. Do not speak to the other party during objections.
- Do not laugh or talk about the case in the hallway or restrooms of the courthouse. The judge, other party or their lawyer or witnesses may see or hear you.

When the judge makes a decision:

- **Control your emotions.** Do not express gratitude or disagreement. Do not make faces.
- Stay polite to the judge after the ruling. Ask the judge if you or the other party should write the court order. (The judge will usually not write it.) The judge must sign the order for it to become effective.
- Before leaving court, make sure you know what happens next. Do you come back for another court hearing? Do you do a written legal argument or proposed court order? Do you need to do anything else? When will the judge make an order? Sometimes orders are written up right away, as you wait. Or the judge may think about the case and write an order later and send it in the mail. **Politely ask if you do not understand what will happen next.**
- Do not announce in court that you plan to appeal. Your decision to appeal does not matter to the trial court.

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