

Basic Tips on How to Prepare for a Court Hearing or Trial

Do I need a lawyer?

Preparing for and participating at a trial or hearing is a complicated process. This handout gives only a few highlights — it does not describe all of the complicated rules and procedures you are required to follow in court. If you can afford to have a lawyer represent you, you should. Call your county Lawyer Referral Service, if available, for a referral, or look in the yellow pages under "Attorneys" where the attorneys are listed by areas of law. It is always a good idea to ask friends or relatives about experiences they have had with particular attorneys. Another less expensive possibility is to meet with a lawyer just to talk about your hearing or trial and preparation. You can hire a lawyer to help you prepare to represent yourself.

What should I know about witnesses?

Hearings are used to determine temporary, agreed, or some procedural matters. The trial is where both parties present evidence and arguments for the judge to use in making a final decision. The court generally does not allow witnesses until the trial. At hearings, the court relies on written declarations and your arguments.

Finding out whom the Other Party Will Use as Witnesses

Unless your county has a case schedule, the best way to find out what witnesses the other side will call is to ask the other attorney or party. If the other party files a "Notice for Trial Setting" or similar document, they are asked to list the number of witnesses they plan to call, but not the names. For King County and some other counties, both parties are required to follow a case schedule. The case schedule sets a date for the parties to exchange witness lists with each other. You should receive a copy of the other side's witness list by the date on the case schedule. You are required to give that person a copy of the witnesses you expect to call. If you have given your list but have not received a witness list from the other side, you should write the other party a letter requesting the witness list. If they never give you a witness list, then at the time of trial you can ask the judge to forbid the other side from calling any witnesses at all. Show your copy of the letter requesting a witness list.

Witnesses You Should Use

On issues of contested custody or visitation, 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 as well as any counselors who have treated the children or CPS workers who will support your case. You should only call these people as witnesses after you have talked to them and you feel comfortable that they will tell the court what is helpful to your case. You will also be a witness to your side of the case. Other useful witnesses are people who are familiar with your care of the children and, if possible, the other parent's care of the children. These people might be school teachers, child care workers or neighbors. Friends and relatives can also be good witnesses, but keep in mind that the court might expect your friends and relatives to support your story.

Making Sure Your Witnesses Come to Trial

To be sure that your witnesses appear at trial, you should give them as much advance notice as possible of the trial date. Then you should serve subpoenas on witnesses that you are not positive will attend. A subpoena allows the court to require a witness' attendance. If a person has been served with a subpoena and then does not show up for court, the court can order a bench warrant for their arrest. You do not need to file a copy of the subpoena with the court, but should bring it with you to trial in case the witness does not show up. See our publication titled "[How to Subpoena Witnesses and Documents](#)," for the necessary forms and instructions.

What documents are required by the court?

There are a few forms that you will need to fill out before your trial. You can give them to the judge and a copy to the other side when you arrive for trial. If there are any issues regarding child support, maintenance (alimony), or property distribution, many counties (including King County) require that you fill out a financial declaration. You should get this form from the court clerk's office. On the form you will state information about your income and expenses. Please note that you are supposed to attach tax forms and paystubs. If you are asking to modify child support, you also need to provide check registers and bank statements.

If child support and/or custody/visitation are issues, you will also need to bring proposed child support worksheets and/or a proposed parenting plan.

Whenever you file a document with the court, you must give a copy to the opposing party.

How should I handle myself in court and questioning witnesses?

Handling your own hearings and trial is stressful. This handout gives you some tips for courtroom behavior that you may find helpful. Other than that, the main thing is to do your best to stay calm. Frequently, the judges give people representing themselves a couple of choices as to how to present their own testimony. You can either ask yourself questions and then answer them or you can tell a short story about your side of the case. Whichever you choose to do, spend some time planning ahead. Write out notes for yourself about the important points in your case. The judges do not care for really long testimony especially if it is not on track with what the case is about. If you can give a brief clear statement of what you want and why you think you should have it, the judge will really appreciate your presentation. You should summarize your main points and then give more explanation.

You will also need to ask your witnesses questions. You will also have the opportunity to ask the other side's witnesses some questions. Again, planning ahead is the key to success. Think about what is the most valuable thing each witness could say on your behalf. Then think of a few questions that will help the witness get the idea across. It's all right to practice with your witnesses ahead of time, always stressing to them the importance of telling the truth. You will always start by asking the witness their name and address. If your witness is a counselor or other professional, you should ask what their occupation is and what their educational degrees are and how long they have been doing their job. Then you can ask specific questions about what information they have about your case.

With the other side's witnesses, the other side will question them first. The judge will give you an opportunity to "cross examine" them (that is, to ask them your own questions). You should never ask a question when you do not know what the answer will be. This is because sometimes the answer will hurt your case more than help you. There is nothing wrong with choosing not to cross-examine a witness if you think they will merely repeat their direct testimony. Sometimes it is better to just 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?

If you need additional assistance getting organized for trial, call Northwest Justice Project to find out if your county has any free legal services available or visit the Washington LawHelp web site at www.washingtonlawhelp.org. In King County, you can make an appointment for a free half-hour consultation with an attorney at one of the Neighborhood Legal Clinics. You can also contact your local bar association for additional resources. It is recommended that you fill out all your paperwork before going in for your appointment. This way, the attorney can answer your questions more effectively.

TIPS FOR COURTROOM BEHAVIOR

1. Be on time for your hearing, but plan to be at court all morning; your case might not be the first one called.
2. Dress neatly, as if you were going to church or a job interview.
3. No food or drinks are allowed in the courtroom.
4. Do not bring your children; arrange for someone to watch them for you. If your children will be speaking to the judge, have them wait outside the courtroom during the trial.
5. Check in at the clerk's office to find out which courtroom to go to. Go into the courtroom and sit quietly to wait for your case to be called.
6. Review your paperwork before the hearing. Be familiar with your papers. If you or one of your witnesses has filed a declaration in the case, be sure the person's testimony is the same as what they said in the declaration. You may use written notes or an outline during the hearing. Stick to the FACTS -- don't ramble when giving evidence to support your side of the story. In many counties, the time you have to speak is limited to as short as five minutes; call the court clerk to find out the time limits for your county before you prepare what you want to say.
7. When it is time for your hearing, the clerk or judge will probably read all the cases scheduled for hearing at that time. When your name is called answer and, if asked, tell the judge whether your case is agreed, a default, or if there will be argument.
8. When your case is called, walk to the table or podium for lawyers in front of the judge, and stand facing the judge. The judge will instruct the parties when to speak. Remember to speak only to the judge and only when it is your turn. Do not interrupt or speak to the other party, even if they interrupt or speak to you. You want 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 calmly prove the other party wrong.

9. During the hearing:
 - A. The Judge will ask you questions. If you don't understand the question, say so. Don't answer until you fully understand the question.
 - B. Be direct. If you don't know an answer, say so. Do not be afraid to admit that you don't know something.
 - C. Take your time when answering questions. Give the question as much thought as you need to understand it and come up with your answer. Explain your answer if needed.
 - D. Be respectful and courteous. Always address the judge as "Your Honor." Do not interrupt. If something needs to be explained, wait until it is your turn to speak or ask to speak again.
 - E. Be sincere. Don't be sarcastic or argue with the judge or the other side. Stay calm.
 - F. If you are stating dates, times and places, etc., be exact. If you cannot be exact, say that you are only estimating.
10. Speak clearly and distinctly, using words, phrases and terms that you understand. Keep your hands away from your mouth and speak loud enough so the judge can easily hear you.
11. Remain courteous to the judge after the ruling. Ask the judge whether you or the other side should write the court order (the judge will not write the order). The judge must sign the order before it becomes effective.
12. You may bring a friend for moral support. That person must remain silent.
13. Do not laugh or talk about the case in the hallway or restrooms of the courthouse as the judge, other party or his/her attorney or witnesses may see or hear you.

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