

Get ready for trial

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Tips for how to get help from a lawyer and what you can do yourself to get witnesses and questions ready.

1. Fast facts

What is a trial?

A trial is a court hearing where you and the other party can call witnesses and present evidence for the judge to make a final decision in your case. A trial is different from a motion or other court hearing. For a trial:

- The court reserves time just for your case. You are not on a 'docket' or 'calendar' with other cases. Your trial may be scheduled for a half day, full day, or even multiple days.
- Witnesses must testify in person (or remotely, if the judge allows it). They cannot just submit written declarations.

- There may be local rules (<https://www.courts.wa.gov/courtrules/localcourtrules.cfm>) (<https://www.courts.wa.gov/courtrules/localcourtrules.cfm>) about sharing a list of witnesses or exhibits (evidence) with the other party before trial.

Should I get a lawyer to represent me at trial?

If you can afford it, yes. Your county bar association might help you find one. Or ask friends or relatives if they can recommend a lawyer.

If you can't afford to hire a lawyer to represent you in court, maybe you can hire one to help you get ready for trial. Or you might qualify to get free legal help. In either case, you should get your paperwork together beforehand to get ready to meet with the lawyer.

If you don't have a lawyer, this guide can help you prepare.

Need an interpreter? You have the right to interpreter services in court at no cost to you. Each court should have a contact person for interpreter requests. As soon as you find out about a court date, contact the court to ask for an interpreter.

What if I need a disability accommodation?

Ask for an accommodation for a disability that limits your ability to take part in the trial. Each court should have a contact person for ADA requests. You can use the state's Request for Accommodation form (<https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=71>). As soon

as you find out about a court date, contact the court to make this request.

2. Witnesses

Who should my witnesses be?

If custody or visitation is an issue, an evaluator from Family Court services (or a Guardian ad Litem) who investigated the case could be a witness. Counselors who have treated the children or CPS workers who will support your case could also be witnesses. But you should talk to them first. You must feel that what they will tell the judge will help your case.

Other witnesses could be people familiar with your care of the children and, if possible, the other parent's care of them. These might be schoolteachers, childcare workers, neighbors, friends, and relatives. You will also be a witness for yourself.

How can I make sure my witnesses come to trial?

Give them as much advance notice as you can of the trial date. Then you should serve subpoenas on anyone you aren't sure will show up.

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 filed a "Notice for Trial Setting" or similar document, they should have listed the number of witnesses they plan to call. They don't have to give the witnesses' names.

Depending on which county your case is in, you might have to follow a **case schedule**. It will set a date for you to exchange witness lists with the other party.

I gave the other party my witness list. What if they did not give me one?

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

3. What to bring to trial

Do I need to give the court any forms at the start of the trial?

It depends on the county and what the trial issues are.

For example, you might have to fill out a financial declaration if there are issues over child support, maintenance, or property. You must bring proposed child support worksheets and/or a proposed parenting plan if child support, custody, or visitation is an issue. You will fill these forms out before your trial. You give them to the judge and a copy to the other side when you arrive for trial.

What else should I bring to court?

- **List of 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 3 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 for yourself to keep track of them.
- If your trial is about **child support**, bring your most recent pay stubs, W-2, and tax return. Fill out Child Support Worksheets using your income and the other parent’s income. Fill out a proposed Child Support Order. Bring 4 copies of everything.
- If your trial is about **maintenance**, bring your most recent pay stubs, W-2, and tax return, and a completed Financial Declaration. Bring any other documents you feel support your position. Bring 4 copies of everything.
- Write a trial memo. This is a summary of what you want and why. Break it down into sections: parenting plan, child support and maintenance, division of property, debts. It can help you organize your thoughts. You’ll submit your trial memo to the court before or at the start of trial. Bring 3 copies.

4. Courtroom tips

- Go over your paperwork before the trial. Make sure you know your evidence and the court papers. While doing this, you can make written notes or an outline to use during the trial.
- Try to be in the courtroom at least 15 minutes before the trial is set to start. Give yourself time to find parking, or the right transit stop, or to wait in line to get into the courthouse.
- Your witnesses must be ready when they call your case for trial. If you don’t need a witness for several hours, make sure they’re available

within 10 to 15 minutes with a quick phone call.

- Plan to be at court all morning, and maybe all day.
- If you must bring your children, they might not be able to sit in the courtroom during the trial. Try to make other arrangements for them if possible. If you can't, try to bring another adult with you who can sit with them.
- You can bring a friend for moral support. Make sure your friend knows they might be at the courthouse with you for a long time.
- Don't bring a weapon, or something that could be mistaken for a weapon (like a pocketknife), to the courthouse.
- When you get to the courthouse, ask for directions to your courtroom. Go into the courtroom and sit quietly to wait for them to call your case.
- If your children will be speaking to the judge, they should wait outside the courtroom during the trial.
- If you or one of your witnesses has filed a declaration in the case, the person's trial testimony must be the same as what they said in the declaration.

5. What to do at trial

How should I present my case?

The judge may let you choose how to do this. You can ask yourself questions and then answer them. Or you can tell a short story about your side of the case.

How do I question witnesses?

Write out the questions you believe are important to ask beforehand.

Then you will 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 your witness their name and address. If your witness is a counselor or other professional, ask what their job is, what their educational degrees are, and how long they've been doing their job. Then ask specific questions about the information they have about your case.

The other side will question their own witnesses first. The judge will let you ask them your own questions ("cross-examine" them). **Never ask a question you don't 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'll 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.

When it's your turn to go before the judge:

- When they call your case for trial, 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's your turn.

- **Opening and closing statements:** You address the judge at both the start and end of the trial to summarize what you want and why. Be as specific as you can. The judge will appreciate a **brief clear statement**. Summarize your main points. Then give more explanation.
- Listen carefully to what the judge, the other party, and witnesses say.
- Don't interrupt or speak to the other party, even if they interrupt or speak to you. Try to stay calm even when the other party is rude or lies. You'll 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." Try not to use first names in addressing anyone in the courtroom.
- Speak loudly and clearly so the judge can hear you. Use words, phrases, and terms you understand. Keep your hands away from your mouth. Stay calm.
- Stick to the facts. Don't talk about issues that don't support your case.
- The judge may ask questions. **If you don't understand a question, say so.** Don't answer until you fully understand the question.
- Give a question enough thought to understand it and give an answer. Explain your answer if needed. It's okay to admit you don't know the answer to a question.
- If you give dates, times, and places, **be exact.** If you can't, say you are only estimating.
- The other party might **object** to something. Let them say why they are objecting. The judge will let you respond. Then the judge will rule on the objection. Don't speak to the other party during objections.
- Don't 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:

- Take notes so you remember what the judge said.
- Ask the judge if you or the other party should write the court 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.
- Before leaving court, make sure you know what happens next. Will there be another hearing? Do you need to file a written legal argument? Do you need to do anything else? **Politely ask if you don't understand what will happen next.**
- Don't announce in court that you plan to appeal. That doesn't matter to the trial court.

6. Remote trials

What if my trial is by phone or video?

This experience is different from an in-person trial. You can't see at all or as well how the judge or other party reacts to what you say. You should take extra steps before your phone or video hearing to get yourself set up.

WashingtonLawHelp.org gives general information. It is not legal advice. Find organizations that provide free legal help on our Get legal help page.