

Preparing for the Pre-Trial Conference

Introduction

Judges have many tools to help move a case from start to finish. One tool is the Pre-Trial Conference. This is not a hearing where the spouses can make arguments or present evidence, but they should be prepared to tell the court what they are asking for in the divorce. It is a time for the judge to learn what issues the spouses agree on and what issues they don't. The judge can take steps that result in a fair, speedy, and inexpensive way to resolve the divorce.

Before the Pre-Trial Conference

There is a 120-day waiting period between the time the divorce petition is served on the other spouse (or a joint petition is filed with the court) and when the final hearing or trial can be held. In some counties, the judge will automatically schedule a pretrial conference close to the time that the 120-day waiting period ends.

One of the spouses can request that the judge schedule a pre-trial if the judge has not already scheduled one. There is no official form to make that request - a spouse could just write a letter to the judge requesting that a pre-trial conference be scheduled.

Remember: if the court requires the spouses to complete a parent education program, the Certificate of Completion for the class should be filed with the court before or at the time of the request for the pre-trial hearing date.

Some counties will not schedule a pre-trial conference until the spouses have filed a [Financial Disclosure Statement](#), Proposed Marital Settlement Agreement ([without minor children](#) or [with minor children](#)), and if there are children, a [Proposed Parenting Plan](#).

At the Pre-Trial Conference

At the pre-trial conference, the judge will try to understand and simplify things as much as possible. The judge may give you and your spouse a deadline when you must give each other a list of witnesses that you may call at trial as well as a list of all documents, photos, or other things that you may want to present at trial.

The judge may also explore what agreements you and your spouse may be able reach so that the trial is as short and efficient as possible. If the judge thinks the spouses are close to an agreement, they may set a second pre-trial conference to give the spouses another opportunity to negotiate before setting a trial.

Judges often will give a date for the trial at the pretrial conference. Since judges have very busy schedules, a hearing date may be given that is months away. If it seems that the trial or final hearing will be short, then you

may get a date sooner.

How do I prepare?

- Make a list of all the witnesses, documents, and other things you might want to bring to your trial.
- Make sure your financial disclosure statement is up to date and that you have all the financial records you might need at trial.
- Think about what other information or documents you need from your spouse and how long it might take to get this information.
- Do you think that your spouse should not be allowed to present certain witnesses or evidence (documents or other things) at the trial? If so, be ready to tell the judge why you believe that the witnesses or evidence should not be allowed. The judge can decide whether to allow a witness to testify at trial and what other evidence can be presented.
- If you and your spouse have reached any agreements, be sure to tell the judge at the pre-trial conference. Those agreements can be included in the final judgment of divorce later down the road.
- If you have a signed marital settlement agreement, completed and signed financial disclosure statements, and, if there are minor children, completed any required parenting class, it is possible to get a final divorce at the time of the pre-trial. It is best to check with the judge's clerk before the pre-trial date to ask if it is possible to have a stipulated divorce on the date of the pre-trial.

Remember, the judge doesn't know anything about you, your spouse, or your case. The more prepared you are for court hearings, the easier it will be for the judge to understand what needs to be decided in your specific case.

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