

YAVAPAI COUNTY
Self-Service Center

**PREPARING TO ASK FOR A TRIAL DATE
DOMESTIC RELATIONS OR CIVIL CASE**

GENERAL INFORMATION

A Trial is a proceeding where all parties to a case have the opportunity to appear before a judge or judge and jury to argue their positions on the unresolved issues in the case. A trial appearance requires you to have filed the right papers and be prepared to argue and defend your position in front of the judge or judge and jury. (Domestic Relations cases are not heard by a jury.)

A person who represents him/herself at a trial is required to know and do everything necessary just as if a lawyer were doing it. Proper procedures must be followed. No allowance is made for a person who does not understand or is unaware of things that must be done.

Some common requirements for preparing for trial are discussed below. There may be other things that must be done in **your** particular case. It is **your responsibility** to do what must be done. The Arizona Rules of Civil Procedure (**ARCP**) contain the rules regarding all aspects of civil cases. Domestic Relations cases, such as divorce, are considered “civil cases” and are governed by the same rules. The **ARCP** are available at the Law Library at the Courthouse in Prescott and may be available at public libraries.

BEFORE A TRIAL

1. ALTERNATIVE DISPUTE RESOLUTION (ADR)

ARCP Rule 16(g)(2) requires all parties in a case to discuss whether there may be another way to settle the issues without going to trial. These discussions may be in person or by telephone, must be made in good faith, and must take place within 90 days of the first appearance of a respondent or defendant in the case. The first appearance is usually when the Response or Answer is filed with the Court. After these discussions take place, a report must be completed and signed by all parties and filed with the Court.

There are several possible options for **ADR**, including some available through the Court. The names of professional private ADR specialists can be found in the Yellow Pages under Mediators or Arbitrators.

Some type of **ADR** must have taken place, or the Court must have granted permission for the case to proceed without **ADR**, before a trial date can be set.

2. DISCOVERY

Parties are **required to exchange information** and documents about the case prior to trial. There are many kinds of discovery. Two of the most common are “depositions” and “interrogatories.”

A **deposition** is a meeting arranged by a party on one side of a case, or his/her attorney, in order to question a party on the opposing side of the case. These questions are answered UNDER OATH and a court reporter makes a word-for-word record of the deposition. There are many rules connected with depositions.

Interrogatories are written questions submitted to a party on one side of the case by a party, or his/her attorney, on the other side of the case. Generally, the questions must be answered, in writing, and returned within certain time limits.

Parties are also required to disclose to each other, in writing, information about witnesses and exhibits within 40 days after the Response or Answer has been filed with the Court. **A Witness and Exhibit List form and instructions are included in this packet.**

THERE ARE PENALTIES IF A PARTY REFUSES TO ATTEND OR ANSWER QUESTIONS AT A DEPOSITION or FAILS TO COMPLETELY ANSWER AND RETURN INTERROGATORIES or IGNORES OTHER DISCOVERY REQUESTS FROM THE OPPOSING SIDE or MISSES DEADLINES FOR CERTAIN TYPES OF DISCOVERY.

For more complete information and other types of discovery, see the **ARCP Rules 26-37**, particularly **Rule 37** which explains the penalties for failure to comply with discovery requirements.

3. THE PRETRIAL CONFERENCE

After a trial is set (packet #13a, at the Self-Service Center has forms to ask for a trial date), you may be required to attend a Pretrial Conference with the judge and the other party and any attorney involved in the case. This conference may occur some time before the day of trial or on the day of trial, shortly before the trial is scheduled to start.

A conference held some time before the trial is when the judge sets deadlines for completion of discovery and filing of motions and may discuss the possibility of settlement. Problems with discovery may be discussed and penalties decided.

A conference held the day of trial is when procedural issues of the trial will be discussed and resolved, such as how long each side needs to present the case. Any pending motions may be argued and decided.

There can be more than one Pretrial Conference in a case.

4. THE SETTLEMENT CONFERENCE

You may be required to attend a Settlement Conference where you will meet with the other party and any attorney involved in the case to discuss the unresolved issues. The Court offers this chance for the parties to try to reach an agreement without having to go to trial.

If all issues can be settled at this Conference, no trial will be held and the case can be concluded. If some, or all, issues remain unresolved, the trial will proceed at a later date.

BECAUSE A TRIAL IS A COMPLICATED AND EXTREMELY IMPORTANT PROCEEDING, IT IS STRONGLY RECOMMENDED YOU SEEK THE HELP AND ADVICE OF AN ATTORNEY.