

Helpful Information about Family Law Trials

Two Kinds of Family Law Trials

Do you have a family law trial coming up? If you do, you must choose between an Informal Trial and a Traditional Trial. You decide which type of trial is best for you. However, both parties must agree to have an Informal Trial instead of a Traditional Trial. Unless both parties agree to an Informal Trial, you will be scheduled for a Traditional Trial. Rule 77.1 describes the Informal Trial procedures in more detail.

All Trials

1. Before trial, you and the other party must exchange copies of all documents and other evidence that you will submit to the court. Each party must also give copies to the judge.
2. The judge will follow the same law for informal and traditional trials.
3. After the trial, the judge may tell one party to draft the final orders. The final, written orders must contain all of the decisions that the judge made after trial. The case is not over until the judge signs the final orders.

Let's compare informal and traditional trials . . .

	Informal Trials	Traditional Trials
How easy is this type of trial for a person who does not have a lawyer?	<ul style="list-style-type: none">• Easier.• Both parties must agree to an informal trial.	<ul style="list-style-type: none">• Harder.• You will have this trial unless both parties agree to an informal trial.
How formal is the trial?	<ul style="list-style-type: none">• Less formal.• Before trial, the judge will make sure the parties understand how the informal trial works and that the parties volunteer to have that kind of trial.	<ul style="list-style-type: none">• More formal.• Each party makes an opening statement, telling the judge about the case and how they think the judge should rule. The petitioner goes first.• The petitioner calls all of their witnesses. They ask the witnesses questions and may give the judge evidence. The respondent then asks the witnesses questions. The parties usually testify.

	Informal Trials	Traditional Trials
		<ul style="list-style-type: none"> • The respondent then calls their witnesses and presents evidence. The petitioner can also question the respondent's witnesses.
What evidence does the judge consider?	<ul style="list-style-type: none"> • The judge decides what is important. • You can talk to the judge about things that may not be allowed under the Rules of Evidence, like conversations you had with people outside the courtroom (hearsay). • You can bring sworn statements from people who support your case, as well as other evidence or documents. • The judge reviews evidence that was presented in court. 	<ul style="list-style-type: none"> • If a party files a Notice under Rule 2, the parties need to follow the Rules of Evidence and make formal objections if they want to stop the judge from considering evidence. If not, the parties need to follow those rules set forth in Rule 2(b). • The parties make closing arguments. This summarizes the evidence, explains why the evidence means they should prevail, and tells the judge what is important.
Who asks questions?	<ul style="list-style-type: none"> • Usually, only the judge. • If there is lawyer, they can ask the judge to ask about certain topics. 	<ul style="list-style-type: none"> • Mainly, the parties or their lawyers, but the judge can also ask questions of witnesses.
Who are the witnesses in the case?	<ul style="list-style-type: none"> • Usually only the parties in the case and the experts and any court-appointed professional, if any. • You may submit an affidavit or declaration from a witness who is not an expert. • If there is an expert, they will usually testify first. • The judge will review reports from experts and court-appointed professionals, if there are any, and may let experts testify. 	<ul style="list-style-type: none"> • Whoever you or the other party lists as a witness before trial starts.

	Informal Trials	Traditional Trials
Can I ask the other party questions?	<ul style="list-style-type: none"> • Generally, no. The judge will ask all the questions, but if either party has additional questions, you may raise the issue with the judge. 	<ul style="list-style-type: none"> • Yes. This means you can ask the witness to talk about what you think is important and relevant. • The judge can allow a witness to be questioned again.
How are my rights affected?	<ul style="list-style-type: none"> • You lose the right to appeal the judge's use of the informal trial process. • You can appeal the final decision. 	<ul style="list-style-type: none"> • You can appeal the trial process and the final decision.