

COURT PREPARATION CHECKLIST

TASK	COMPLETED
1) Review Local Court Rules	<input type="checkbox"/>
a. Help your client find the local court rules for the county where the case will be heard. The local court rules will tell your client important information, such as what they must give the court and the other party before the hearing. <i>Most local court rules can be found on-line. The easiest way to find local court rules is to google the county name where the case is being heard and “local court rules.” For example, if your client lives in Contra Costa, google “Contra Costa local court rules.”</i>	<input type="checkbox"/>
b. You can also help your client contact the court to see whether the court provides copies of local court rules for individuals who do not have attorneys.	<input type="checkbox"/>
c. Help your client review the local court rules for Family Law Matters. <i>These rules sometimes refer to other local rules, such as Civil Matter rules, that might have to be reviewed.</i>	<input type="checkbox"/>
d. Help your client make a chart of what rules apply to their case and any court deadlines that they must meet. Link to Sample Local Court Rules Chart.	<input type="checkbox"/>
2) Make Arrangements with the Court Before the Hearing Date	<input type="checkbox"/>
a. Help you client decide whether they want to have an in-person or remote hearing.	<input type="checkbox"/>
1. If you client wants a remote hearing, they must fill out a form. Help you client fill out this form.	
b. Contact court to see if a court reporter is available. NOTE: If your client has a fee waiver the court must provide a court reporter if your client requests one by completing court form FW-020.	<input type="checkbox"/>
c. Arrange for a court reporter for the hearing date.	<input type="checkbox"/>
d. Ask the court if your client is allowed to bring and use a tape recorder or other recording device, <i>if necessary</i> .	<input type="checkbox"/>
e. Arrange for someone to take notes during the hearing.	<input type="checkbox"/>
f. Address language barrier issues:	<input type="checkbox"/>
1. Does your client or a witness need an interpreter?	
2. If so, has an interpreter been arranged with the court?	

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Gathering and Organizing Exhibits (Documents)	
a. Help your client think about what exhibits or documents they have to support their case. Examples of exhibits or documents that might support a case are photographs of injuries or damaged property, text messages, social media posts, and doctor records.	<input type="checkbox"/>
b. After your client has gathered all their exhibits or documents, help put the exhibits and documents in an order that makes sense for your client. This could be in chronological order, the order your client plans to present them or talk about them in court, or by which witness will speak about the evidence.	<input type="checkbox"/>
c. Help your client create an exhibit list for themselves. This list will be different from the exhibit list they create for the court.	<input type="checkbox"/>
1. Link to Sample Exhibit List for Client.	
d. Review the local court rules (and the chart you helped your client create in Step 1) to see how many copies of exhibits are required. <i>Generally, your client will need at least 3 copies of the exhibits (one for your client, one for the court, and one for the other party).</i>	<input type="checkbox"/>
e. Review the local court rules or ask the court if the exhibits need to be marked before the hearing. “Marking” exhibits means your client is writing on the exhibit (or placing a white sticker in the corner and writing on the sticker) with numbers or letters to identify the exhibit.	<input type="checkbox"/>
1. If so, see how the court wants the exhibits marked by referring to the local court rules or asking the court: <ul style="list-style-type: none"> - Should your client mark exhibits to <i>identify Plaintiff’s (also called Petitioner’s) exhibits, Defendant’s (also called Respondent’s) exhibits?</i> - <i>Should you use letters, numbers, or both to mark the exhibits?</i> - Also find out where you should mark the exhibit (such as lower right-hand corner or bottom of page.) 	
2. If so, help your client mark each exhibit.	
f. Help put the exhibits in binders. Refer to the local court rules to find out how many binders you need to create. <i>Generally, your client will need to create at least 3 binders: one for your</i>	<input type="checkbox"/>

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<i>client, one for the court, and one for the other party. NOTE: If the hearing is being held remotely, your client will have to create a pdf version of their trial binder.</i>	
g. Create an Exhibit List for the Trial Binder. Link to Sample Exhibit List for Trial Binder.	<input type="checkbox"/>
1. <i>Make sure the Exhibits are in the same order for each binder.</i>	
2. <i>Include the Exhibit List in the binders. The Exhibit List should be placed in the front of the binder.</i>	
h. Help your client practice what they will say about each exhibit or document. This is called an “offer of proof.”	<input type="checkbox"/>
1. Your client should be able to answer the five “W” questions for each exhibit: who, what, where, when, and why.	
i. Help your client practice admitting or placing the exhibit into evidence: “I’d like exhibit ___ to be placed into evidence.”	<input type="checkbox"/>
3) Witness Preparation	<input type="checkbox"/>
a. <i>If the hearing is being held in-person, help your client ask witnesses if they need help with transportation or directions to courthouse.</i>	<input type="checkbox"/>
b. <i>If the hearing is being held remotely, help your client ask witnesses if they have a computer or phone that they can use for the hearing and if they have internet access. <i>If a witness does not have a computer or phone or does not have internet, help your client brainstorm other places the witness could go to use a computer.</i></i>	<input type="checkbox"/>
c. Help your client make reminder calls to witnesses. (“ <i>Will you be able to come to the hearing? You are very important.</i> ”)	<input type="checkbox"/>
d. Help your client remind witnesses that they may have to wait outside the courtroom (if the case is being heard in-person) or in a “virtual waiting room” (if the case is being heard remotely).	<input type="checkbox"/>
e. Help your client remind witnesses that they may be waiting for a long time before they talk to the judge.	<input type="checkbox"/>
f. Help your client prepare a 1-3 sentence statement about what each witness will testify about. Your client will use this to explain why the judge should hear from the witness.	<input type="checkbox"/>
1. For example: “My neighbor is going to testify that on December 25, 2021 she heard arguing, and the sounds	

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of something hard hitting the wall between our apartments, several times. She will talk about a written complaint she made about it on December 27, 2021, which I will ask be part of the evidence in this case.”	
g. Help your client write out the questions that they want to ask each witness, or a list of things they want to have the witness tell the judge.	<input type="checkbox"/>
h. Help you client write out questions that your client wants to ask the other party , and the other party’s witnesses .	<input type="checkbox"/>
1. Remind your client that a witness can only testify to what they have “personal knowledge” of - what they saw, heard, felt, touched, or smelled.	
4) Client Preparation	<input type="checkbox"/>
a. Discuss with your client how the court experience might trigger post-traumatic stress and ways your client might deal with this stress.	<input type="checkbox"/>
1. For example, your client might decide to hold a rock or other item to help keep them calm or take a deep breathe and pause if they find themselves feeling overwhelmed or stressed.	
2. <i>As a reminder, your client may ask the judge for a moment to re-center themselves if they are struggling due to trauma in court. For example, “You honor, may I just have a moment before continuing.”</i>	
b. Suggest that your client attends other court hearings so they can see what it may be like.	<input type="checkbox"/>
1. If your client wants to see a court hearing, help your client call the courthouse to find out when and where they take place.	
c. Help your client create a timeline for the major events in the case. (For example, in a restraining order case, help your client list out – with dates if possible – incidents of abuse.)	<input type="checkbox"/>
d. Practice, practice, practice! Have your client practice what they want to tell the judge and the questions they want to ask witnesses.	<input type="checkbox"/>
5) Safety Plan with Client	<input type="checkbox"/>
a. Make a safety plan for meeting with your client and other witnesses at the courthouse, if the hearing is in-person.	<input type="checkbox"/>

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<p>b. Make a safety plan for how your client and witnesses will leave the courthouse, if the hearing is in-person.</p>	<input type="checkbox"/>
<p>1. You can ask the court to excuse your client first and keep the opposing party for a few minutes to give your client time to leave. You can also ask a deputy or marshal to escort your client out of the courthouse.</p>	
<p>c. Make a safety plan for after the hearing. <i>It is not uncommon for someone that is abusive to commit acts of abuse after a hearing, particularly if they lose the hearing. After court, ask your client how they think the opposing side will respond and create a safety plan around their answers. Your client, for example, might decide to stay at a family member's or friend's house for several nights after the hearing.</i></p>	<input type="checkbox"/>
<p>6) Other Potential Action Steps</p>	<input type="checkbox"/>
<p>a. Help your client write a request for a Statement of Decision.</p>	<input type="checkbox"/>
<p>1. Judges usually do not have to explain why they make an order. If your client wants the judge to explain their decision, help them write a request for a statement of decision.</p> <ul style="list-style-type: none"> • <u>Link to a sample statement of decision that your client can use to ask the court for a statement of decision in their case.</u> • <u>Link to a webinar you and your client can view about of decision.</u> 	

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