

## COURT PREPARATION CHECKLIST

| TASK  | COMPLETED                |
|---|--------------------------|
| 1) Review Local Court Rules   | <input type="checkbox"/> |
| a. Find the local court rules for the county where the case will be heard. The local court rules give you important information, such as what you 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 you live in Contra Costa, google "Contra Costa superior court local court rules."</i> | <input type="checkbox"/> |
| b. You can also contact the court to see whether the court provides copies of local court rules for people who do not have attorneys.   | <input type="checkbox"/> |
| c. 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. Make a chart of what rules apply to your case and any court deadlines you must meet. <a href="#">Link to Sample Local Court Rules Chart.</a>   | <input type="checkbox"/> |
| 2) Make Arrangements with the Court Before the Hearing Date   | <input type="checkbox"/> |
| a. Decide if you want an in-person or remote hearing.   | <input type="checkbox"/> |
| 1. If you want a remote hearing, you have to fill out and file a form.  | <input type="checkbox"/> |
| b. Contact the court to see if a court reporter is available. <b>NOTE: If you have a fee waiver the court must provide a court reporter if you request one. You can use <a href="#">form FW-020</a>.</b>  | <input type="checkbox"/> |
| c. Arrange for someone to take notes during the hearing, if possible.   | <input type="checkbox"/> |
| d. Address language barrier issues:   | <input type="checkbox"/> |
| 1. Do you or your witness need an interpreter?  | <input type="checkbox"/> |
| 2. If so, has an interpreter been arranged with the court?  | <input type="checkbox"/> |
| <b>Gathering and Organizing Exhibits (Documents)</b>  |                          |
| a. Think about what exhibits or documents support your case. Examples of exhibits or documents that might support a case  | <input type="checkbox"/> |

This tip sheet is not providing legal advice and should not replace the advice of an attorney. This resource uses California law only. Last updated 11/21/2024. Copyright © Family Violence Appellate Project 2017.

*This project was supported in part by funding awarded by the United States Department of Justice, Victims of Crime Act, 2015-VA- GX-0058, through the California Governor's Office of Emergency Services; and by Grant Number 2016-WL- AX-0055, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women*

|   |                          |
|---|--------------------------|
| are photographs of injuries or damaged property, text messages, social media posts, and doctor records.   |                          |
| b. After you gather all the exhibits or documents, put them in an order that makes sense to you. This could be in chronological order, the order you plan to present them or talk about them in court, or by which your witness will speak about the evidence.  | <input type="checkbox"/> |
| c. Create an exhibit list for yourself. <b>This list will be different from the exhibit list you create for the court.</b>  | <input type="checkbox"/> |
| 1. <a href="#">Link to Sample Exhibit List</a>  |                          |
| d. Review the local court rules (and the chart you created in Step 1) to see how many copies of exhibits are required. <i>Generally, you will need at least 3 copies of the exhibits (one for yourself, 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 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 these questions: <ul style="list-style-type: none"> <li>- Should you mark exhibits to <i>identify Plaintiff’s (also called Petitioner’s) exhibits, Defendant’s (also called Respondent’s) exhibits?</i></li> <li>- <i>Should you use letters, numbers, or both to mark the exhibits?</i></li> <li>- Also find out where you should mark the exhibit (such as lower right-hand corner or bottom of page.)</li> </ul> | <input type="checkbox"/> |
| f. Put the exhibits in binders. Refer to the local court rules to find out how many binders you need to create. <i>Generally, you need to create at least 3 binders: one for yourself, one for the court, and one for the other party.</i> <b>NOTE:</b> If the hearing is being held remotely, you will have to create a pdf version of your trial binder.  | <input type="checkbox"/> |
| g. Create an Exhibit List for the Trial Binder. <a href="#">Link to Sample Exhibit List for Trial Binder.</a>   | <input type="checkbox"/> |
| 1. <i>Make sure the Exhibits are in the same order for each binder.</i>   | <input type="checkbox"/> |

This tip sheet is not providing legal advice and should not replace the advice of an attorney. This resource uses California law only. Last updated 11/21/2024. Copyright © Family Violence Appellate Project 2017.

*This project was supported in part by funding awarded by the United States Department of Justice, Victims of Crime Act, 2015-VA- GX-0058, through the California Governor’s Office of Emergency Services; and by Grant Number 2016-WL- AX-0055, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women*

|  |                          |
|--|--------------------------|
| 2. <i>Include the Exhibit List in the binders. The Exhibit List should be placed in the front of the binder.</i>   | <input type="checkbox"/> |
| h. Practice what you will say about each exhibit or document. This is called an “offer of proof.”  | <input type="checkbox"/> |
| 1. You should be able to answer the five “W” questions for each exhibit: <b>who, what, where, when, and why.</b>   | <input type="checkbox"/> |
| i. Practice admitting or placing the exhibit into evidence: “I’d like exhibit ___ to be placed into evidence.”   | <input type="checkbox"/> |
| <b>3) Witness Preparation</b>  | <input type="checkbox"/> |
| a. <i>If the hearing is being held in-person, ask your witnesses if they need help with transportation or directions to courthouse.</i>  | <input type="checkbox"/> |
| b. <i>If the hearing is being held remotely, your witnesses if they have a computer or phone that they can use for the hearing <b>and</b> if they have internet access. <i>If a witness does not have a computer or phone or does not have internet, brainstorm other places the witness could go to use a computer.</i></i>   | <input type="checkbox"/> |
| c. Make reminder calls to witnesses. (“ <i>Will you be able to come to the hearing? You are very important.</i> ”)   | <input type="checkbox"/> |
| d. 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. Remind witnesses that they may be waiting for a long time before they talk to the judge.  | <input type="checkbox"/> |
| f. Prepare a 1-3 sentence statement about what each witness will testify about. You can 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 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. Write out the questions you want to ask each witness, or a list of things you want to have the witness tell the judge.  | <input type="checkbox"/> |
| h. Write out questions you want to ask the <b>other party</b> , and the <b>other party’s witnesses.</b>  | <input type="checkbox"/> |
| 1. A witness can only testify to what they have “personal knowledge” of - what they saw, heard, felt, touched, or smelled.   |                          |

This tip sheet is not providing legal advice and should not replace the advice of an attorney. This resource uses California law only. Last updated 11/21/2024. Copyright © Family Violence Appellate Project 2017.

*This project was supported in part by funding awarded by the United States Department of Justice, Victims of Crime Act, 2015-VA- GX-0058, through the California Governor’s Office of Emergency Services; and by Grant Number 2016-WL- AX-0055, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women*

|  |                          |
|--|--------------------------|
| 4) Preparation   | <input type="checkbox"/> |
| a. The court experience might trigger post-traumatic stress. Think about ways you might deal with this stress.   | <input type="checkbox"/> |
| 1. For example, you might decide to hold a rock or other item to help keep you calm or take a deep breath and pause if you find yourself feeling overwhelmed or stressed.  |                          |
| 2. <i>You may ask the judge for a moment to re-center yourself if you are struggling due to PTSD in court. For example, "You honor, may I just have a moment before continuing."</i>   |                          |
| b. You can also attend other court hearings to see what it may be like. If you want to see a court hearing, you can call the courthouse to find out when and where they take place   | <input type="checkbox"/> |
| c. Create a timeline for the major events in the case. (For example, in a restraining order case, you can list out – with dates if possible – incidents of abuse.)   | <input type="checkbox"/> |
| d. Practice, practice, practice! Practice what you want to tell the judge and the questions you want to ask witnesses.   | <input type="checkbox"/> |
| 5) Safety Plan   | <input type="checkbox"/> |
| a. Contact your local domestic violence agency for help with safety planning before, during and after the hearing.   | <input type="checkbox"/> |
| 1. You can ask the court to excuse you first and keep the opposing party for a few minutes to give you time to leave. You can also ask a deputy or marshal to escort you out of the courthouse.  |                          |
| 6) Other Potential Action Steps  | <input type="checkbox"/> |
| a. Request a Statement of Decision.  | <input type="checkbox"/> |
| 1. Judges usually do not have to explain why they make an order. If you want the judge to explain their decision, write a request for a statement of decision. <ul style="list-style-type: none"> <li>• <a href="#">Link to a sample statement of decision that you can use to ask the court for a statement of decision in their case.</a></li> <li>• <a href="#">Link to a webinar you can view about statements of decision.</a></li> </ul> |                          |

This tip sheet is not providing legal advice and should not replace the advice of an attorney. This resource uses California law only. Last updated 11/21/2024. Copyright © Family Violence Appellate Project 2017.

*This project was supported in part by funding awarded by the United States Department of Justice, Victims of Crime Act, 2015-VA- GX-0058, through the California Governor's Office of Emergency Services; and by Grant Number 2016-WL- AX-0055, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women*