

## TRIAL PREPARATION CHECK LIST

By the time of your pre-trial conference, you must have completed the tasks checked off below:

REQUIRED (if checked)	Judicial Council Form #	FORM DESCRIPTION/ACTION
	<b>FL-150</b>	<b>Income and Expense Declaration</b> <input type="checkbox"/> Complete <u>attaching evidence of income for at least the last 2 months</u> <input type="checkbox"/> Serve <input type="checkbox"/> File
	<b>FL-157</b>	<b>Spousal or Partner Support Declaration Attachment</b> <input type="checkbox"/> Complete <input type="checkbox"/> Attach to a Declaration Page (MC-030) <input type="checkbox"/> Serve <input type="checkbox"/> File
	<b>FL-321</b>	<b>Witness List (only if you intend to call witness(es))</b> <input type="checkbox"/> Complete <input type="checkbox"/> Serve <input type="checkbox"/> File
<b>X</b>		<b>Meet and confer (Cal. Rule of Court, rule 5.98(a))</b> <i>All parties and all attorneys are required to meet and confer. During this time, parties must discuss and make a good faith attempt to settle all issues, even if a complete settlement is not possible and only conditional agreements are made. The requirement to meet and confer does not apply to cases involving domestic violence.</i> <input type="checkbox"/> Completed on _____ <div style="text-align: center;">(date)</div>
<b>X</b>		<b>Document exchange (Cal. Rule of Court, rule 5.98(b))***</b> Before or while conferring, parties must exchange all documentary evidence that is to be relied on for proof of any material fact at the hearing. The court may decline to consider documents that were not given to the other party before the hearing. The requirement to exchange documents does not relate to documents that are submitted primarily for rebuttal or impeachment purposes.*** Because hearings will be telephonic due to the COVID-19 pandemic and related social distancing requirements, <b>the Court also requires that both parties take these documents to the Civil Clerks Office at the Court. (See How to Deliver Trial Documents to the Court below.)</b> <b>DOCUMENTS INCLUDE</b> pictures, texts, e-mails, videos, etc. <b>Videos or other audio recordings require transcripts – see Rule 2.1040(b) (below).</b> <input type="checkbox"/> Documents Exchanged <input type="checkbox"/> Documents to Court
<b>X</b>		<b>Physical Evidence</b> – for example, a broken cell phone or other damaged property for which a picture is insufficient. If you will be submitting physical evidence, <b>this must be discussed during the pre-trial conference.</b>
		<b>OTHER:</b>  

\*\*\* IF YOU HAVE QUESTIONS REGARDING YOUR DOCUMENT EXCHANGE OBLIGATIONS OR REGARDING PREPARING YOUR DOCUMENTS FOR COURT, CONTACT THE COURT'S SELF-HELP CENTER AT [famlawfac@shasta.courts.ca.gov](mailto:famlawfac@shasta.courts.ca.gov) OR (530) 245-6900 (message only).

**Rule 2.1040, subd. (b) requires:**

- (1) Except as provided in (2) and (3), before a party may present or offer into evidence any electronic sound or sound-and-video recording not covered under (a) [related to depositions and prior testimony], the party must provide to the court and to opposing parties a transcript of the electronic recording and provide opposing parties with a duplicate of the electronic recording, as defined in Evidence Code section 260. The transcript may be prepared by the party presenting or offering the recording into evidence; a certified transcript is not required.
- (2) For good cause, the trial judge may permit the party to provide the transcript or the duplicate recording at the time the presentation of evidence closes or within five days after the recording is presented or offered into evidence, whichever is later.
- (3) No transcript is required to be provided under (1):
  - (A) In proceedings that are uncontested or in which the responding party does not appear, unless otherwise ordered by the trial judge;
  - (B) If the parties stipulate in writing or on the record that the sound portion of a sound-and-video recording does not contain any words that are relevant to the issues in the case; or
  - (C) If, for good cause, the trial judge orders that a transcript is not required.

**How to Deliver Trial Documents to the Court**

- Gather your documents and put them in an order that makes sense to you as you think about how you will present your evidence to the court.
- Put page numbers on the bottom of the documents so that you can easily direct the court and the other party to the document you are relying on during your testimony.
- Attach a cover page to the documents. You can find a trial exhibit cover page under the Family Law Handouts tab at <http://www.shasta.courts.ca.gov/Divisions/FamilyLaw.shtml>. If you cannot access that form, write the following information on a blank piece of paper:
  - Your name and contact information (phone, address, e-mail address)
  - Your Case Number
  - Trial Date
  - Pre-Trial Conference Date
  - In large letters, write TRIAL EXHIBITS on the cover page.
- Take to the Clerk's Office or place in the drop box with instructions for the Clerks to "receive" these documents.
- THERE IS NO FEE for the Clerk to receive these documents.

**At the pre-trial conference, be ready to discuss**

1. Status of tasks set forth above (is everything exchanged and lodged; has the meet and confer occurred, etc.)
2. Any evidentiary matters agreed to by the parties, including any stipulations or admissions regarding factual matters;
3. Any agreement of the parties regarding limitations on necessary or relevant evidence, including any limitations on expert witness testimony;
4. Any agreements of the parties as to the admissibility of any exhibits or demonstrative evidence without legally required authentication or foundation;
5. Admissibility of previously-filed declarations and objections to any portions of them;
6. Objections to and admissibility of any recorded materials that a party has designated for use at trial;
7. Allocation of time for each party's case.