

## CIVIL PRE-TRIAL GUIDE

The purpose of the pretrial is to assure that all parties are prepared to discuss alternate means of settling the dispute at an early stage of the proceedings or to go on to trial, if necessary. The pretrial is a conference ordered by the court and held in the courtroom to facilitate a face-to-face discussion of the issues of the case. Some cases are not appropriate to go on to trial because there is no material issue of dispute or disagreement between the parties. If the parties agree that all or a portion of the debt is owed, then those specific issues are not in dispute and can be settled by agreement without going on to trial.

**Pre-trial conferences include full “discovery” of evidence (bills, receipts, agreements, contracts, photos, etc.). At the pre-trial, you must be prepared to bring all documents that you anticipate will be introduced as evidence at the trial and you must provide a copy of each potential exhibit to the opposing party. In addition, you must provide a list of witnesses that you expect to testify at trial, with their names, addresses, and telephone numbers, for the opposing party. If you do not comply with discovery, you will be prohibited from entering those exhibits or witnesses at the trial.**

There are no surprises in Justice/City Court. Each party to the lawsuit has the right to be fully advised of what information will be used to establish the validity of each side of the case. If this case does go on to a trial, the Judge will set deadlines for each party to comply with discovery issues. If you do not comply with discovery, you will be prohibited from entering those exhibits or witnesses at the trial.

You must be prepared to frankly discuss the issues of the case and the evidence you have. You **should not bring your witnesses** to the pre-trial. This is not the proper time for witnesses to appear. **Only the issues of the case** are to be discussed. This is no time for personality conflicts, but rather a time to discuss the facts of the case. It is recommended that you come to the pre-trial with an open mind and be ready to compromise and possibly settle.

Some cases cannot be settled at the pre-trial conference and a trial will need to be set. This is the last option that should be considered because of time and possible costs to one or both parties. If a case is set for trial, the Judge, at the pre-trial, will set a schedule of events, including dates to comply with discovery, motions, and subpoenas.

At the trial, which is a more formal setting than the pre-trial conference, the Judge will strictly apply the Rules of Civil Procedures and the Rules of Evidence to control the trial and the presentation of evidence. You will introduce your exhibits (evidence) by providing a copy to the court at the trial and you will need to testify to it before the Judge. The rules cannot be altered to fit your situation or lack of courtroom experience. The Judge will be considerate of your lack of knowledge with the court system, but you will be expected to participate according to the rules. The Judge will base a decision on facts, the law, and the testimony of the witnesses. The Judge is not allowed to base decisions on sympathy or other feelings of emotion. The Judge will not want to hear family history, either negative or positive, nor any information that is not specifically connected to the issues of the case.

If you or your attorney fail to appear for the pre-trial conference or if you are not prepared to negotiate a settlement, sanctions may be imposed against you. This could include the dismissal of your case, having a judgment entered against you, payment of the reasonable costs incurred by the opposing party and their attorney, or being assessed court fines and penalties. The pretrial is set well in advance to facilitate your preparation. Please be prepared! The pre-trial conference will take between 15 and 30 minutes. Plan accordingly.

If you have any questions, call the Court (406-222-4170) or send your written questions to the Court well in advance of the scheduled pre-trial conference.

Justice Court 414 E Callender St, Livingston, MT 59047

Email: justicecourt.park@mt.gov