

Family Case Tip Sheets

Preparing Your Case for Trial

This Tip Sheet was created to help you prepare for your case before going to trial in a Family Law matter. The information provided is general in nature and should not be taken as legal advice. Only a lawyer can provide legal advice.

Write Down What You Are Asking the Court to Do

One of the first steps in preparing your case for a trial is to carefully think through and write down what it is you're asking for and why. You need a clear idea of the decision you want the Court to make, and you have to be prepared to give clear reasons why.

Consider Settlement options

Now that you have a clear idea of what it is you are looking for, consider whether there are any areas in which you would be prepared to compromise, or you think the other party might be prepared to compromise. Settling the issues with the other side puts you in control of the process.

Prepare an Outline of Your Case

After thinking about what it is you want the Court to decide and why, prepare a one or two page outline of the main points you want to prove in your case. The purpose of this outline is to give you an overview of your case and to help you figure out what you need to prepare your case.

Gather Your Evidence

Now that you have your outline, think about the facts the judge needs to know to decide the case. To prove these facts to the judge, you will need to give the judge evidence. Your evidence may include documents, photos, materials, objects, information from witnesses and affidavits¹. You will need to gather and organize your evidence in advance before going to court.

Attend Trial Readiness Inquiry

You may be scheduled to go to a Court appearance called a "Trial Readiness Inquiry" which will usually be held about 30 days before your trial. The judge may ask questions about the evidence you plan on giving. The judge may provide information on how your trial will proceed including directing which persons may testify and which persons might give their evidence by affidavit instead.

Organize Your Evidence

Before attending your trial you should organize and review all of your evidence and case materials. Remember to bring any notes or documents you may need. You will need to bring four copies of any documents you want to present to the Court (one for you, one for the judge, one for the other side and one for the witness to look at).

¹ An affidavit is a written statement or declaration of facts that is sworn or affirmed to be true by the person making statements. The signing of an affidavit must be witnessed by a Commissioner of Oaths, a lawyer licensed to practice in Newfoundland and Labrador or a notary public. This means the person making the statement will have to sign it in front of that person. Some Court Clerks can provide this service but they will charge a \$10 fee.