

Superior Court of Washington, County of Spokane

In re:

Petitioner/s (*person/s who started this case*):

And Respondent/s (*other party/parties*):

No. _____

Family Law Informal Trial Selection

Clerks Action Required

Family Law Informal Trial Selection

Use this form if you want an *Informal Trial* instead of a *Traditional Trial*. You can file this form at any time. Once filed, please provide a copy to the other party and to your assigned judge.

Here are some of the differences between the 2 types of trials:

- **Traditional Trial:** both parties are allowed to call witnesses and to cross-examine the witnesses appearing on behalf of the other party. The Rules of Evidence apply.
- **Informal Trial:** the judge, not the parties, questions the witnesses and there are limits on the ability to call witnesses. The Rules of Evidence do **not** apply.

I have reviewed the *Traditional v. Informal Trials* information provided by the Court. _

1. I want an Informal Trial. I am the (*check one*)

Petitioner Respondent

I believe the informal trial will take _____(number) of hours/days

I understand that if the other party does not agree to an Informal Trial, we will have a Traditional Trial.

2. I understand that at an Informal Trial:

- Both parties will give a brief summary of the issues that need to be decided.
- Both parties will have an opportunity to respond to the other party's statement and explain how the law applies to their case.
- There is no cross examination. The judge may ask questions.
- Most of the time, the two people in the case are the only witnesses. Sometimes a party needs an expert witness (someone with special training and education) to give

an opinion, which is allowed in informal trials. The parties or their lawyers may ask an expert witness questions. The expert witnesses report will be received as an exhibit.

- Non-expert witnesses are not allowed. Instead, each party may submit up to 5 declarations from other people with a maximum page count of 20 pages. Also, each party can submit any document or other evidence they want the judge to review.
- The judge will decide what credibility and weight to give documents, physical evidence, and testimony that is entered as evidence during the Informal Trial. The judge is not bound by the Rules of Evidence.
- The judge will follow the same law to decide the case, whether it is an Informal or Traditional Trial.

3. Expert witnesses (*check one*)

I do **not** want an evaluator or other expert witness to testify at my trial.

I want an evaluator (CASA, GAL or FCS) to be a witness at my trial.

I want another type of expert to testify at my trial. (*Name*) _____
has expertise in _____
and has information relevant to my case.

I have filed the report they prepared for my case.

4. I give up my right to a Traditional Trial

By agreeing to an Informal Trial, I agree to the following:

- **Voluntary.** My participation in an Informal Trial is strictly voluntary. No one can force me to agree to this process. I have not been threatened or promised anything for agreeing to an Informal Trial.
- **Format.** The normal question and answer format of a traditional trial will not be used. The judge may ask me questions about the case. The other party and I can both tell the judge anything we feel is relevant.
- **Rules.** The Rules of Evidence will not apply in this Informal Trial. The court and parties will follow the procedures of GR 40, the rule on Informal Family Law Trials.
- **Evidence.** Neither party will call any witnesses except for experts.
- **No appeal of the process.** I give up my right to appeal the judge's use of the Informal Family Law Trial process. I still have a right to appeal the final decision.

Signed on (date) _____

Signature

Printed Name

AGREEMENT

I have reviewed the following information and agree with the other party to have this case decided through an informal trial. I understand that I will be giving up my right to a traditional trial.

Signature

Printed Name

TRADITIONAL V. INFORMAL TRIALS

What are the differences between Informal Trials and Traditional Trials?

	Informal Trials	Traditional Trials
How formal is the trial?	Less formal – the Rules of Evidence do not apply and you can talk directly to the judge.	More formal – the Rules of Evidence apply, you must comply with all pretrial orders, and you are generally not able to speak directly to the judge.
How easy is this type of trial for a person who does not have a lawyer?	Easier	Harder
What evidence does the judge consider?	The judge decides what information is important. You can talk to the judge about things that may not be allowed under the Rules of Evidence, like conversations you had with people outside the courtroom (hearsay) and bring any documents you want the judge to see.	The parties need to follow the Rules of Evidence, including admission of exhibits and make formal objections if they want to stop the judge from considering evidence.
Who asks questions?	Usually, only the judge.	Mainly the parties or their lawyers, but the judge can also ask witnesses questions.
Who are the witnesses in the case?	Usually only the parties in the case and the Guardian ad Litem (if there is one). You can ask the judge to allow other expert witnesses, like a doctor or counselor. You may bring up to five supporting declarations (up to a total of 20	Whoever you or the other party lists as a witness before trial starts.
Can I ask the witnesses questions?	No. This means that the other party or their lawyer cannot interrupt you when you talk to the judge.	Yes. This means that you can ask the witness to talk about what you think is important.