

YOUR TEMPORARY HEARINGS

Nature. The temporary hearing is designed to take care of the parties until the full divorce can be settled or tried. The grounds for divorce are not admissible at the temporary hearing and will not be discussed. Only in extreme circumstances will some of your property be divided at the temporary hearing. The judge will only be concerned with taking care of immediate financial and other concerns on a temporary basis.

Issues. Issues at the temporary hearing include use of the house, cars, etc., division of personal effects such as clothes, etc., temporary support for parties and children and temporary timesharing and parenting plan, temporary maintenance of debt obligations, etc. Again, the reasons for the divorce are not in issue at the temporary hearing.

Procedure. Although there are times when the testimony of many witnesses are heard at temporary hearings, the norm is that just you and your spouse will testify at the temporary hearing. This usually depends on the individual Judge and his or her feeling about the issues raised. We must always prepare to put on testimony if necessary. Even if we put on testimony, it is not likely the court will permit the matter to take a long time. The Court likely will have several other matters to be heard that day.

Witnesses. Trials are conducted with the testimony of the parties and witnesses. Although there are many exceptions, key testimony cannot be presented by letter or affidavit. Now is the time to let your witnesses and family know about the hearing date.

Documents. We have been assembling documents for your hearing. As with the development of witnesses, this process continues all the time. It is important to have documentary back up of all financial matters. Please make sure you have provided us with the latest documents.

Personal Property. Personal property can be temporarily divided at the temporary hearing. Please think about what items you will need and provide us with a list.

Family Support. We believe that family support is important at trial for several

reasons. Please talk to your family and friends about attending the hearing—not as witnesses—but for moral support. Anyone who will be testifying cannot be in the court room until after they are through testifying, so ask for support from people who will not be testifying. A word of caution: if family or friends attend for moral support, they will be under an obligation to show proper decorum in court, to be quiet and not react to testimony, and to show civility and courtesy to opposing counsel and party.

The Trial Notebook. We prepare for trial using what we call “the trial notebook method.” We assemble a hearing notebook which contains information for hearing, lists of witnesses and documents both sides will use, questions and cross examination for all witnesses, research on pertinent issues, etc. We may also prepare research memorandums or a “trial brief” to give the Judge pertinent research and arguments. This is tedious and expensive.

Your Preparation. We will schedule you in for interviews prior to the hearing. We will prepare your questions so you will know exactly what questions you will be asked. We will also prepare you for questions we expect opposing counsel to ask. The financial statement is critical for this hearing. Please provide our office with up-to-date and accurate budget and financial information.

Our Preparation and Presentation. The attorney assigned to your case will be there for your hearing. The attorney will be ready to present your case to the court. At the end of the hearing the judge might give an oral pronouncement of his decision. The judge might request that one of the attorneys reduce the judge’s pronouncement to writing. After the attorneys agree on the language in the order it is submitted to the judge for his signature.

We know that this is a difficult time for you. Contemplating a hearing is nerve-racking. That is normal. Don’t be worried if you are nervous. However, if you feel your worry is starting to get the best of you, give us a call your attorney so he or she can provide comfort. Preparation for hearings alleviates a lot of the nervousness. Make sure that your attorney is well prepared.