LAW CLASS
How Courts Work

Steps in a Trial

Pre-trial Conferences

Judges use pre-trial conferences with lawyers for many purposes. One type of conference gaining popularity is the status conference (sometimes called the early conference). This conference—held after all initial pleadings have been filed—helps the judge manage the case. Judges use it to establish a time frame for concluding all pre-trial activities and may set a trial date at this time.

Certain kinds of disputes—such as disagreements over child custody—must be referred to a third party that will try to facilitate a settlement.

Arbitration involves submitting the dispute to a neutral third party who renders a decision after hearing arguments and reviewing evidence. It’s generally quicker and less expensive than a full-fledged trial.

In mediation, a third-party mediator who is neutral assists the parties to reach a negotiated settlement of their differences. The mediator uses a variety of techniques to help them come to agreement.

Both arbitration and mediation are typically private, so they have the added benefit of helping the parties avoid publicity.

In at least 28 states, arbitration or mediation is automatic for many cases, for example, those under a certain dollar amount. Even though these cases must initially be sent to arbitration or mediation, sometimes the losing party in arbitration or mediation may appeal, which sends the case back into the court system.

Judges also use pre-trial conferences to encourage settling cases. At the conference, the judge and the lawyers can review the evidence and clarify the issues in dispute.

If a case hasn’t been settled, many courts set a time for an issue conference. The lawyers usually appear at this hearing before a judge without their clients and try to agree on undisputed facts or points of law. Such agreements are called stipulations. The issue conference can shorten the actual trial time by determining points that don’t need to be proved during the trial. If a settlement doesn’t take place through pre-trial conferences, the judge sets a date for the trial.