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IRFLP 703 Final Pretrial Procedure; Formulating Issues

Idaho Rules of Family Law Procedure Rule 703. Final Pretrial Procedure; Formulating Issues.

(a) **Directions for Pretrial Conference.** The court may hold a final pretrial conference to formulate a trial plan, including a plan to facilitate the admission of evidence.

(b) **Timing of Final Pretrial Conference.** The final pretrial conference must be held if requested by any party in writing at least 21 days before trial, or if ordered by the court at any time before trial.

(c) **Attendance Required.** Parties and if represented, their attorneys, are required to attend the final pretrial conference unless excused by the court.

(d) **Authority of Attorney.** At least one of the attorneys for each party participating in any pretrial conference must have authority to enter into stipulations and to make admissions regarding all matters that the participants may reasonably anticipate may be discussed.

(e) **Pretrial Memorandum.** The court may direct the attorneys for the parties, or any party appearing without an attorney, to submit a pretrial memorandum containing substantially the information included in Rule 704. All parties will file a pretrial memorandum no later than 3 days prior to the date set for the final pretrial conference or as directed by the court.

(f) **Exhibits and Witness Disclosure.** The court may order the parties to file a list of any potential trial exhibits as well as the names and addresses of all witnesses who may testify. Exhibits or witnesses discovered after the date set for disclosure must be supplemented, indicating the date the exhibit or witness was discovered. The court may exclude any untimely disclosed witness or exhibit, except for good cause shown and to prevent injustice.

(g) **Order Resulting from Pretrial Conference.** After the conference, the court may issue an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties as to any of the matters considered, and which limits the issues for trial to those not resolved by admissions or agreements of the attorneys. The order controls the subsequent course of the action, unless modified at the trial to prevent manifest injustice.



(h) **Objections to Pretrial Order.** Any party to an action may file written objections to a pretrial order within 14 days from service thereof, which objections must be heard prior to trial in the same manner as a motion under these rules.

(Adopted March 29, 2021, effective July 1, 2021.)

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