

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

_____ Complainant

v.

Case No.: _____

_____ Defendant

VIRGINIA BEACH DIVORCE PRETRIAL ORDER

I. Trial Issues [check all that apply]

- Child Support
- Child Visitation
- Child Custody
- Spousal Support
- Equitable Distribution
- Grounds of Divorce

II. Pretrial Conference

A pretrial conference is required when either or both of the following apply: (1) equitable distribution is contested; or (2) counsel has determined in good faith that the trial of all issues will require more than two hours. In all other cases a pretrial conference will only be held when requested by counsel or by a judge. When a pretrial conference is required, it shall be scheduled with the duty judge no later than one week prior to the trial date. The purpose of the pretrial conference is to discuss settlement, a determination of the issues remaining for trial, to reach stipulations, and discuss any other matters which may aid in the disposition of the case. The parties and counsel shall attend the pretrial conference in person. The attendance of the parties is required. Five (5) days prior to the pretrial conference the Pretrial Conference Brief and all worksheets and forms that are applicable to the case must be completed and exchanged by counsel and filed with the court. A Pretrial Conference Memorandum will be filed by the judge at the conclusion of the conference.

III. Judicial Settlement Conference

A settlement conference with a qualified Judicial Settlement Conference Judge is required when the trial of all issues will require more than one (1) hour. If a judicial settlement conference is required because the trial of all issues will take more than one hour, counsel shall submit this Court's required Order of Designation and Referral to Judicial Settlement Conference. The judicial settlement conference shall be scheduled no later than 14 days prior to trial. The judicial settlement conference is a dispute resolution process to assist the parties in assessing their case by discussing the issues and any possible mutually beneficial settlement agreement. Failure to attend may result in the case being removed from the trial docket.

IV. Discovery

The parties shall complete discovery, including depositions, by 30 days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until 15 days before trial. Discovery and depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown. The parties have a duty, as soon as practical, to supplement and amend discovery responses pursuant to Rule 4:1 (e) of the Rules of the Supreme Court of Virginia.

V. Designation of Experts

If requested in discovery, experts shall be identified on or before 90 days before trial. If requested, all information discoverable under Rule 4:1(b)(4) of the Rules of Supreme Court of Virginia shall be provided or the expert will not ordinarily be permitted to express any nondisclosed opinions at trial. The foregoing deadline shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1(e).

VI. Dispositive Motions

All dispositive motions shall be presented to the court for hearing as far in advance of the trial as practical.

VII. Parent Education Seminar

If a child’s custody, visitation or support, is contested, the parents shall, prior to the trial date, show proof that they have attended an educational seminar on the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities pursuant to Virginia Code § 20-103. The education seminar shall be conducted by a Parent Education Provider listed on the Virginia Judicial System’s website at www.courts.state.va.us. Whenever possible, before participating in the judicial settlement conference, each party shall have attended the educational seminar. Failure to attend may result in the case being removed from the trial docket. The court may grant an exemption from attendance of such program for good cause shown.

VIII. Exhibit and Witness List

Counsel shall exchange 15 days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. Any exhibit or witness not so identified will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibits or witness was through inadvertence.

IX. Required Worksheets and Forms

Counsel shall file with the Court and opposing counsel not later than 15 days prior to trial all worksheets and forms required by the Court applicable to the issues in this case: The Monthly Income and Expense Statement of each party, Child Support Guideline Worksheets and Equitable Distribution Forms.

X. Settlement Conference by Parties and Counsel

If a judicial settlement conference or pretrial conference is not required, counsel shall jointly file, not later than 7 days prior to trial, a certification with the Court that counsel and their clients personally met and participated in a good faith effort to resolve all issues in dispute. The certification shall list any issues resolved and those that remain for resolution at trial.

XI. Continuances

Continuances of the trial date will only be granted by the court for good cause shown.

XII. Court Reporter

A court reporter is required for the trial and must be secured by the parties.

XIII. Waiver of Modification of Terms of Order

Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of court for good cause shown.

XIV. Failure To comply

Failure to comply with any provision of this Order by any party may result in limitation or exclusion of evidence, and/or claims, and/or the case being removed from the trial docket and/or any other appropriate sanction.

ENTER: _____

JUDGE: _____

ENDORSEMENT:

Counsel for Complainant

Counsel for Defendant

GAL, if any