

## **IRFLP 704 Final Pre-trial Procedure - Formulating Issues**

### **Idaho Rules of Family Law Procedure Rule 704. Final Pre-trial Procedure - Formulating Issues.**

A. Directions for pre-trial conference. A pre-trial conference shall be held in any action if requested by any party in writing at least 20 days before trial, or if ordered by the court at any time, and the court may direct the attorneys for the parties, or any party appearing without an attorney, to submit a pre-trial memorandum containing substantially the information enumerated in [Rule 705](#) [1] and to appear before it for a conference to consider:

1. The simplification of the issues.
2. The necessity or desirability of amendments to the pleadings.
3. The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof.
4. The limitation of the number of expert witnesses and the disclosure of the identity of persons having knowledge of the relevant facts and who may be called as witnesses.
5. The advisability of a preliminary reference of issues to a master for findings to be used as evidence.
6. Such other matters as may aid in the disposition of the action.

B. Order resulting from pre-trial conference. After the conference, the court shall make 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 disposed of by admissions or agreements of counsel; and such order when entered controls the subsequent course of the action, unless modified at the trial to prevent manifest injustice. The court in its discretion may establish by rule a pre-trial calendar on which actions may be placed for consideration as above provided.

(Adopted April 2, 2014, effective for early adopters July 1, 2014, effective statewide July 1, 2015.)

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#### **Links:**

[1] <https://isc.idaho.gov/irflp705>