

**CAO CvPi INSTRUCTION 4-4  
FILING A REQUEST FOR TRIAL SETTING OR SCHEDULING CONFERENCE**

If you are a party in a civil lawsuit and would like to have the case set for trial, these instructions explain the steps and forms you will need to file a Request for Trial Setting.

First, you should read and understand the court rule which describes how cases are set for trial:

**Rule 16(b). Request for Trial Setting by a Party.**

(1) In General. Should the court fail to set the matter for scheduling conference or otherwise to set the matter for trial, after all defendants have appeared, a party may request that the court set the matter for trial and that any other deadlines and pretrial conferences be established. (2) Information to be Included. The request must indicate: (A) the nature of the case; (B) whether a jury trial has been demanded; (C) whether referral to alternative dispute resolution would be beneficial; (D) an estimate of the time required for trial; (E) the name of the attorney who will appear at trial; and (F) the dates upon which the attorney and party would not be available for trial. (3) Response to the Request by Other Parties. A response must be filed and served within 7 days after being served with the request for trial setting. The response must contain the information required in subsection (b)(2) of this rule. (4) Action by the Court. After the time for filing a response to the request has passed, the court must either issue a scheduling order pursuant to subsection (a)(2) of this rule or set the request for hearing. (Adopted March 1, 2016; effective July 1, 2016.)

Under this court rule, a civil case can be set for trial by the judge or at the request of either party. In some cases, the judge may require the parties to come to a scheduling conference, after which the judge may issue a scheduling order setting forth deadlines for filing motions, completing discovery as well as setting a pre-trial conference and trial date. If this has not happened in your case and you want to request a trial date, you must file a Request for Trial Setting with the judge.

**Note:** Rule 40(b) allows the administrative judge in each judicial district to define the form and what must be included in the Request for Trial Setting. Some judicial districts have forms they require parties to use, and some do not. Check with the judge's clerk to determine if there is a specific form you must use, or information you must provide in your case. If not, you may use the following generic form:

- CAO CvPi 4-10 Request for Trial Setting

This form can be obtained from your local court assistance office, or the Supreme Court's Self-Help Center at <http://www.courtselfhelp.idaho.gov/>.

**Step 1. Obtain and Complete the Required Form**

Complete the form listed above by typing or neatly and legibly printing in black ink. Fill in your full current name, address, telephone number, and email address (if you have one) on the lines provided at the left-hand corner of page 1 of each form. Fill in the judicial district and your county in the heading in capital letters (for example, "IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT IN AND FOR THE COUNTY OF LATAH"). Fill in the name of the plaintiff and the defendant in the caption as well as the case number as that information appears in other documents in the court file.

Fill in all of the information requested in the form. Date and sign the form.

**Note:** Although the Request for Trial Setting has a check box to request a jury trial, a jury trial is not allowed in some types of cases. For example, divorce, custody, paternity and similar types of family related claims can be decided only by a judge.

**Step 2: Serve and File the Request.**

Serve a copy of the Request for Trial Setting on all parties or their attorneys who have appeared in the case. Complete the Certificate of Service at the bottom of the Request for Trial Setting indicating who was served and the manner in which they were served.

File the Request for Trial Setting with the Clerk of the Court.

**Step 3: Follow the Pre-trial order or Order Setting Trial.** In response to the Request for Trial Setting, the judge (1) may decide to conduct a scheduling conference with all parties before setting a trial date; (2) may issue a pre-trial order setting deadlines for filing motions and completing discovery in addition to setting dates for a pre-trial conference and trial; or (3) may simply issue an order setting the case for trial. Carefully read and follow whatever order you receive from the judge to make sure you are properly prepared for trial.

**Scheduling Conference:** To request a scheduling conference, follow these same directions but use form CAO CvPi 4-16 Request for Scheduling Conference.