

TIPS FOR YOUR COURT HEARING

Attending court, whether it is for a criminal matter, a family court hearing, or a workplace matter, can be a daunting and stressful situation.

By preparing yourself in advance and putting your best foot forward, you can minimise the stress and anxiety that is a natural reaction to being in a court room.

1. Getting Ready

Be prepared and ready to present your case on the day of your court hearing. Courts are formal institutions and magistrates are senior public officials - they won't tolerate lateness or inattendance.

Do as much research as possible and gather all the information for your case. Make sure you have your documents clearly organised and well presented. Bring a notepad and a pen with you to jot down notes as you go.

Some people find it helpful to watch a courtroom in action beforehand - most courts are held in open session, so you can watch another hearing days or weeks ahead of your own and see how things work.

2. What to Wear

There are no hard rules about what to wear in court, but there are traditions and expectations. As a formal institution, you should dress appropriately.

Covered shoes and a button-up shirt are a good idea; you want to make the best possible impression on the magistrate or judicial officer hearing your case.

3. Children at Court

Courts are not appropriate places for children. There are long periods of waiting, a need for silence, and often what gets discussed is a sensitive or delicate matter. You will also need to focus on being ready for your hearing.

Organise childcare for your hearing well in advance.

4. Arriving at Court

You should always arrive early to court. Plan to arrive at least 30 minutes ahead of the scheduled hearing, and allow extra time on top of that to find parking or find your court room. If you have difficulty finding the room, ask for help from the court staff.

Bring a family member or a friend who is over the age of 18 as a support-person if you wish, but this person won't be able to sit with you at the bar table or speak on your behalf while the hearing is underway. Usually only a solicitor or barrister may sit with you or speak on your behalf.

Recording devices are not permitted unless approved by the magistrate or judicial officer.

Turn off your mobile phone or tablet and remove any hats or sunglasses as a mark of respect for the court and the magistrate or judicial officer.

5. Personal Safety

If you have any concerns about your personal safety while attending court, call the court before your hearing date or trial. Options for your safety at court will be discussed and arrangements put in place. By law you must inform the court if there is an existing or pending Family Violence Order or AVO involving you or your children.



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6. Inside the Courtroom

Before you enter the courtroom, give your name to the person assisting the magistrate or judicial officer. They may be a court officer or judge's associate. Let them know if you are representing yourself. If you are unsure, ask them where to sit while you wait for your matter to be called.

Do not bring any food or drink to the courtroom.

You may have to wait a while for your matter to be called, as there could be a number of hearings scheduled for the same day. While you wait during other people's hearings, make sure you don't make any distracting noises or movements.

When the court commences and adjourns, you must stand in your place as a mark of respect. You will know to do this when the court officer says "All rise" or "Please stand".

7. Speaking to the Magistrate or Judicial Officer

Magistrates and judicial officers are senior public officials. You should always speak respectfully, politely and formally in the court room and especially when addressing the magistrate.

You should address a magistrate or judge as 'Your Honour' while in the Court.

Take care not to interrupt the magistrate or judicial officer while they are speaking or asking them a question. You want to establish and preserve as much goodwill with them as possible, as they will ultimately decide the outcome of your case. This means you must be polite and respectful at all times in their court room and during the hearing itself.

8. Legal Representation

You should get legal advice before deciding to go to court or represent yourself at court. A lawyer can help you understand your legal rights and responsibilities and also provide an expert opinion about the course of action you want to take.

Crucially, they can explain how the law applies to the circumstances of your case so that you are arguing with the facts on your side, not just feelings or emotion.

You can seek legal advice from Legal-Aid, a community legal centre or a private law firm. Depending on the nature of your case, they may refer you to a specialist with more experience than them in the type of case you're involved in.

Court staff can help you with questions about court forms and processes but they can't provide you with legal advice.