

Preparing to go to Court

Fact Sheet



This fact sheet covers:

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- ✔ What you should bring to court
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This fact sheet provides some general information about preparing to go to the Federal Court and the Federal Circuit Court.

1. Key words in court proceedings

- **Parties:** (also known as sides) a party is a person, business or other entity that is participating in a legal dispute. The person who starts (or brings) the legal action is usually called the Applicant or Plaintiff and the party or parties they are bringing the legal action against are usually called the Respondent or Defendant.
- **Submissions:** submissions are documents that are given (known as lodging, filing or submitting) to the court and/or other parties in relation to court proceedings.
- **Witnesses:** witnesses are people who either prepare statements, or attend court, or both, to give evidence about the legal dispute. Parties can also be called to give evidence as witnesses.

2. Where can I find the Federal Court and the Federal Circuit Court?

The Federal Court and Federal Circuit Court have offices (known as registries) in each state and territory. Addresses, opening hours and contact details are available at the following links:

- [Federal Court](http://www.fedcourt.gov.au/contact) - <http://www.fedcourt.gov.au/contact>
- [Federal Circuit Court](http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/contact-us/locations) - <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/contact-us/locations>

3. What should I wear to court?

Attending court is a formal occasion and it is best to dress neatly. If you have a suit or formal clothes, you should wear them, but they are not absolutely necessary. You should however dress in a way that shows you are respectful of the court.

4. What should I bring to court?

Bring:

- a plan of how you will present your case to the court, including questions for any witnesses;
- all of the documents you wish to show the judge and photocopies for the other people at the hearing (three copies should be enough for the other parties and the judge). If your case involves complicated calculations, you should prepare spreadsheets or other summaries to help simplify your claim;
- all documents the court or the other party has given you; and
- a pen and paper to take notes.

Do not bring:

- food into the hearing room; or
- cameras or recording devices.

5. Where do I go?

You can find which courtroom you need to go to by looking at the daily court lists which are displayed at court and on the court's website. Your hearing may not be the only one in the courtroom that day – there may be other hearings before and after yours. Ask court staff if you have any questions about where you need to go and when. If you do not have a lawyer representing you, you will sit at the 'bar table' and speak directly to the judge. The court officer can guide you to where you should sit.

6. Who can come to court with me?

Court hearings are open to the public and there may be members of the public in the court room.

You can bring a support person with you to court, for example a friend or family member or staff member of a community agency. They will not be able to speak to the judge or ask questions during the hearing and need to sit in the public seating area.

7. How should I behave in court?

It is important to be polite and observe certain formalities. You should do everything possible to show the Judge you are prepared and reasonable. Remember to:

- Turn up on time (or early);
- turn off your mobile phone;
- bow to the judge as you enter and leave the courtroom;
- address the judge as 'Your Honour';
- stand when you speak to the judge or when the judge is speaking to you (if you don't want to or can't stand, ask the judge for permission to stay seated);
- speak clearly and slowly and don't interrupt when others are talking – you will be given an opportunity to respond;
- be mindful of your body language, don't huff and puff or shake your head while others are speaking, don't cross your arms or take an aggressive attitude into court;
- be polite to the judge and other parties, even if you do not agree with what they are saying; and
- take notes, including keeping track of what others say and what you would like to say when it is your turn to speak.

You can ask the judge questions if you are not sure what to do, but because they are impartial they cannot give you legal advice or help you with your case.

8. What types of court proceedings are there?

8.1 Directions hearings

A directions hearing is a short hearing where the judge decides the next procedural steps to deal with the case and makes orders for those steps to happen. The kinds of orders that can be made include setting dates for mediation, for the parties to lodge their evidence, for any further directions hearings, or for the final hearing.

You should come prepared to tell the court what you think the next steps should be and why. Take a pen and some paper with you so you can write down what the court decides you need to do and when. Any orders made by the court are published on the webpage [Federal Law Search](#).

8.2 Interlocutory hearings

Interlocutory hearings deal with specific issues that need to be determined before the final hearing. For example, an interlocutory hearing may be scheduled if a party lodges an application for:

- interim relief (such as an injunction – an urgent order to stop someone doing something);
- procedural matters (such as ordering a party to give the other party documents); and

- security for costs (if the court thinks that you may not be able to pay the other party's costs if you lose the case, the court may order that you deposit money with the court or provide security, such as a bank guarantee).

8.3 Mediation

Mediation is a type of dispute resolution which can be cheaper and quicker than going to a final court hearing. An impartial, specially-trained mediator (not a judge) helps the parties discuss their issues and work out a solution. It is less formal and more flexible than a court hearing.

Mediations are confidential and the discussion cannot be raised later on in court.

8.4 Final hearing

At the final hearing, both parties present their case. This typically involves both sides questioning witnesses and then making submissions. The judge may ask you questions about your case.

WHAT IF I CAN'T ATTEND A COURT DATE?

It is very important to attend all court dates, including directions hearings. If you have a good reason for not attending (for example, serious illness), phone the court and let them know. Make sure you get a doctor's certificate or other documentation to explain why you could not attend.

9. Communicating with the court

Communications with the court should usually be in writing. Make sure you copy all parties into any communications you have with the court.

There are particular rules for communicating with Judges and their associates, which are outlined on the [Federal Circuit Court website](#). You can communicate by phone with the staff in the court registry and they may be able to pass messages on to the judge or court staff for you. Court staff cannot give you legal advice.

If you are required to file any documents with court, make sure you do it within the timeline given by the court. It will not assist you if you are seen to be not complying with court timelines.

USEFUL INFORMATION

- Attorney-General's Department – [The Courts](#)
- Federal Court – [Attending Court](#)
- Federal Court – [Commencing an Action in the Federal Court](#)
- Federal Court – [Case Management Handbook](#)
- Federal Circuit Court – [The Court Process](#)
- Federal Circuit Court – [The First Court Event](#)
- [Federal Court Rules 2011](#)
- [Federal Circuit Court Rules 2001](#)
- [Federal Court and Federal Circuit Court Regulation](#)

