

Your Day in Court

Your Day in Court Introduction

Last Reviewed: April 2022

Reviewed by: JES



This Guidebook will let you know what to expect on your day in court. It addresses how to prepare so the day will go smoothly, as well as how to behave while in court. It will also explain how to address judges and court staff properly.

NOTE: This Guidebook does not provide legal advice and must not be used as a substitute for the advice that a lawyer may provide. This Guidebook provides general information to help people with matters in the BC Supreme Court.

A Supreme Court Family trial is usually expensive, stressful and contentious. All efforts should be made to come to a resolution before getting to the point of trial, however sometimes a trial is necessary.

This section provides general guidance on how to prepare for the experience of a Supreme Court Trial. For specifics on the the rules, process, and preparation for a trial go to:

- **[Trials in Supreme Court](#)** from Legal Aid BC's Family Law website
- **[Family Law Handbook](#)** from the Canadian Judicial Council's guides for self-represented litigants
- **[Legal Research](#)** and **[Evidence](#)** sections of the Civil Law Guidebook

Watch Trials

Your day in court will be a big day. It is helpful to know what to expect. One of the best ways to find out what to expect is to take some time to visit the courthouse and sit in on some trials – especially family law trials. The BC Supreme Court is open to the public, and you are allowed to enter any courtroom to watch and listen. You can ask a sheriff to help you identify which courtrooms have family law trials.

As you are watching, pay attention to what people say and do. How are questions asked? How do they address the judge and witnesses? Watching a family law trial will help you be prepared for your day in court.

Practice Makes Perfect

It is a good idea to try to write down what you plan to say. You can write an outline, or write every word. Be sure you have notes on the key points of your case. Have a list of questions that you want to ask. Make notes about the points you expect the opposing party will present and how you will challenge this information.

See the [**Family Law Guidebook - Legal Research**](#) for tips on how to make a legal argument. For each of the decisions you want the judge to make, you need to provide the relevant law and case law, presents the facts of your case and provide evidence relating to the facts and the law.

Once you have written notes, practice what you will say. Speak out loud. Time yourself. Practice going into your files to pull out supporting documents you want to present. Preparation and practice are key to presenting a strong case.

Before Your Day in Court

Make sure that you have everything you need. Plan ahead to ensure you will bring what you need, that you are on time and ready for trial.

Gather Documents and Supplies

Make sure that you have all the documents that relate to your case. This might include completed court forms, research notes, court orders, etc. This can quickly add up to a lot of material. Plan how you will it all to court. Make sure your material is organized so you know what is where and can reference documents quickly and easily.

At the hearing, you will need to take notes. Bring a pen and notepad. You can use a laptop or tablet (but be sure to turn the sound off).

Plan Your Route

Know how to get to the court. Will you take transit? Will you need to park? Know before you go. Add a buffer to the time you think it will take you from your doorstep to the courtroom. Don't be late.

Plan to Eat

You cannot eat in the courtroom. However, you can eat in the hallways when there is a break. If you are hungry or have low blood-sugar levels, it can be hard to concentrate. Also, you will probably have about an hour and a half for lunch. You may need this time to prepare, research, or just relax and recharge. It is a good idea not to have to be looking for food. Bring a healthy snack (perhaps some fruit, nuts, or a bar), and pack a healthy lunch that you can eat quickly.

Decide What to Wear

Court is a formal and serious setting, and you will make a better impression if you dress nicely. You may wear a suit, or depending on your gender, you may choose to wear a dress, pants, a skirt, a collared shirt and tie, a sweater, or a knit shirt. You should avoid halter or tube tops, see-through tops, sleeveless shirts, low necklines, jeans, t-shirts, and casual clothing. It's best not to wear shirts with slogans that may be considered offensive. If you wear pants, try to wear dress pants, not leggings or yoga pants. If you have facial hair, trim it or be cleanly shaven.

You may want to choose clothing that covers tattoos, and you may choose to take out facial piercings. Above all, you want to let the court know through how you dress that you respect the process and take it seriously. You want to make a good impression.

At the Courthouse

- **Find out what courtroom you are in:** There will be a Court list that tells you what courtroom to go to. If you cannot find it, ask a security guard and they can assist.
- **Use the bathroom before you go to the courtroom:** You may not have another chance for an hour and a half or so once Court begins.

- **Arrive at the courtroom at least 15 minutes early:** The courtroom will open up 15 minutes before your scheduled court time. You should be there when it opens.
- **Turn off your cellphone:** When you go into the courtroom, turn off your cell phone and make sure the sound is off on any laptop or tablet you are going to use.
- **Be friendly to, or ignore, the other side:** You will see the other side to the case, or their lawyer, in or outside the courtroom. This may be the first time you have seen them in a while. You may feel cross towards them, but there is nothing to be gained by being rude or disrespectful. To the contrary, this may be a good opportunity to see if a solution can be worked out, and that will be much easier if you treat them with courtesy and respect. If you cannot speak to them with respect and courtesy, then just ignore them.
- **Check in with the Court clerk:** Once the courtroom is open, there will be a man or a woman sitting near the front by a computer screen. That is the court clerk. You will need to “check in” with that person. That means telling them what case you are there for, your name, and your role (claimant or respondent).
- **Set up, or sit in the gallery:** If yours is the only case being heard in that courtroom that day, then you can set up your material. You will see a podium in the centre of the front of the courtroom. If you are the claimant you should sit on the left side of that podium. If you are the respondent then you sit on the right side of the podium. If there is another matter that is being heard before yours, find a seat in the gallery (the audience section of the courtroom) and wait your turn.

When the Hearing Begins

- **Stand when the judge or master enters:** The Court clerk will say “Order in Court” when the judge or master is about to enter. Stand up. Stay standing until after the judge or master has sat down.
- **Stand to introduce yourself:** The Court clerk will “call the case”. This will mean he or she will say something like “In the Supreme Court of British Columbia, this 11th day of February 2020, calling the matter of Smith v. Jones”. You and the other side will then introduce yourselves. You should say your name, spell your last name, and say who you are (for example, you might say “John Jones, J-O-N-E-S, and I am the claimant”).

- **Sit while the other side is talking, stand while you are talking:** Unless you have a medical issue, you must stand when talking to the judge or master. When the other side is talking, remain sitting.
- **Do not interrupt:** Perhaps nothing annoys judges more than being interrupted. Always let a judge finish talking. Many judges speak slowly, so wait at least 2 seconds after a judge has finished speaking to begin talking yourself. Also, do not interrupt the other side. You will have your chance to speak. Interrupting the other side is rude and improper, and will only hurt the impression you make to the court.
- **Take notes, do not make faces:** When the other side is speaking, it is best to keep your head down and make notes. You will want to remember what they said so you can respond to it. It is especially important to remember what the judge or master says in his or her questions. These can let you know parts of the case they may be having difficulty with. Do not make faces. This simply annoys the judge.

When You Present

- **Breathe:** Stand up at the podium. Take a second and take a deep breath.
- **Speak slowly:** You need to speak at a pace that the judge can follow. Watch the judge. If they are taking notes this is good. If they are writing something, let them finish before moving on. If they are not taking notes, it may be that you are going too fast for them to keep up with.
- **Speak to the judge or master:** Your job in Court is to tell the judge or master your story. Everything you say should be directed at him or her. You do not speak directly to the other side.
- **Speak loudly:** Make sure that the judge can hear you.
- **Follow your notes or your outline:** Generally, it is a good idea to go through the submissions you have practiced and outlined first. You can address anything unexpected that the other side said at the end.
- **Answer the judge's questions:** If a judge asks you a question, try your best to answer it. If you cannot answer it, you may ask if you can come back to it after a break, if there is enough time. Sometimes you get a question that you will need to think about over the lunch break to answer fully. If you say you are going to come back to something, make sure you do.
- **Speak formally:** Talk in a respectful and formal way. Call people Mr. X or Ms. X, rather than by their first names (For example, say "Mr. Jones has provided

no evidence” instead of “John has provided no evidence”) Do not use slang. Do not swear.

- **Take notes:** Record key points of what the opposing party says. At the end of the hearing, the judge or master may give their decision. When they do this take notes. Take notes even if you do not like what you are hearing. You want to know exactly what they ordered and exactly why.

How to Address Judges and Court Staff

The ways to address members and staff of the court are described below. Although they may seem awkward, addressing a judge or a master correctly will help you present your case in court.

Supreme Court Judges

- In court, refer to the judge as “Justice Last-name”. For example, Justice Brown.
- In writing, refer to a judge of the Supreme Court as “The Honourable Mr./Madam Justice”, followed by his/her last name (e.g. The Honourable Mr. Justice Brown).

Masters

- In court, address a master as “Your Honour.”
- In writing, refer to master as “Master”, followed by his or her last name (e.g., Master White).

Registrars

- In court, refer to the Registrar as “Mr. Registrar”, or “Madam Registrar.”