

# CHECKLIST FOR APPEARING IN COURT

## INITIATING AN APPEARANCE

- Do I need a summons?
- Liberty to apply?
- What law is relied on?
- What evidence must be before the Court?

## POST INITIATION

- Diarise the hearing time and date
- Notify the interested parties.
- Try to resolve or narrow the issues.

## PREPARATION FOR COURT

- Have the interested parties been notified?
- Is there proof that the interested parties have been notified?
- What is the power relied on?
- What affidavits have been filed?
- What are the contested issues?

- Can the parties resolve or narrow the contested issues?
- Obtain instructions likely to be needed.
- Organise materials to take to Court in a folder including having copies of documents for the Court.
- Take a proposed order.
- Take your phone.
- Check the daily list for your matter.
- Find out about the Judge you are appearing in front of.

## ATTENDING COURT

- Arrive on time.
- Dress appropriately.
- Bow on entering if the Court is in session.
- Do not distract the Court.
- Do not speak if a witness if being sworn.

- Fill in the appearance slip
- Introduce yourself to your opponents(s).
- Conduct any negotiations outside the body of the Court.
- Provide any opponent with a copy of written submissions, a list of authorities and any unreported decisions relied on.
- Agree a time estimate.
- Wait your turn.

## APPEARING AT COURT

- Respect the Court and your opponents.
- Announce your appearance: "If your Honour please, I appear for ...."
- Seek leave to appear if you are a trainee solicitor
- Stand when the Court addresses you or you address the Court, but otherwise sit.

- Refer to "Your Honour"
- Follow the order: plaintiff; defendant; reply by plaintiff
- Do not heckle.
- Make submissions rather than state personal opinion
- Be careful to refer to evidence before the Court
- Do not refer to without prejudice discussions.
- Be careful how you react.
- Do not thank the court but say "if the Court please"
- Be polite and maintain your composure.
- Do not leave the bar table unattended.
- Bow on leaving.