



## What to Expect When I Attend Court

### Where do I go?

The Family Court is located at 150 Terrace Road, Perth (corner of Terrace Road) behind the Duxton Hotel and adjacent to the Perth Concert Hall. Whilst there is undercover parking at the Concert Hall and an outdoor carpark between the Family Court building and Riverside Drive, parking can be scarce. We therefore suggest that you make a generous allowance for parking time.

It is difficult to anticipate how long you might be occupied at Court. We recommend you to allow a minimum of 2 hours. We suggest you avoid parking in the street so you can avoid the added stress of having to leave the Court to top-up your parking meter.

You may check the Family Court of Western Australia website at [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au) on the day of your hearing, or the evening before, to find out the number of the courtroom in which your matter will be heard and the name of your Judicial Officer. Click on Court List tab on the left hand side of the page.

### Entry to the Building

There are three entrances to the Family Court located at street level on Victoria Avenue; at the corner of Victoria Avenue and Terrace Road; and from the concourse located between the Concert Hall and the Family Court. You will undergo security screening at all entrances.

### When and where do I meet my Lawyer?

We suggest you liaise with your Lawyer prior to any hearing to make specific arrangements. You should otherwise find out the number of your courtroom or conference room on the Family Court website, or on the notice boards located at the entrances to the Court.

Please check in with a Court Officer at the main desk on the floor level of your courtroom or conference room and wait close by for your Lawyer to arrive. Alternatively, you can meet outside your courtroom or conference room. For example, if your matter has been listed in say Court 3.2, we will meet you on level 3 outside court 3.2.

In the absence of other agreement, you should ensure that you arrive at Court at least 10 minutes prior to the listing time.

### What do I wear?

You should dress neatly and conservatively. For ladies we recommend a blouse, skirt or pants, preferably with closed shoes. For gentleman, we suggest a long sleeve shirt, trousers and closed shoes. The courtrooms can get quite cool in which case we recommend that you bring a jacket, cardigan or jumper. Please remove any sunglasses and hats from your head as you enter a courtroom or conference room. You must switch your mobile phone to silent or off before you enter the courtroom.

## How do I address the Court?

This depends upon the Judicial Officer concerned. If your matter is heard before a Registrar, you may address him/her as “Registrar” or “Sir/Madam”. If your matter is listed before a Magistrate or Judge, you must address him/her as “Your Honour” or “Sir/Madam”.

If a Judicial Officer of any kind is sitting when you enter or leave a courtroom, you must bow towards the person. You must also stand and bow whenever the Judicial Officer enters or leaves the courtroom.

## What do I bring?

If you have sworn an Affidavit and will be giving evidence or undergoing cross examination, please bring a clean (i.e. no notes) copy of your sworn Affidavit(s) with you. Generally speaking, you will only be required to give evidence at a Trial or in the event of a Contravention/Enforcement hearing.

Please bring note-paper and a pen so you can take notes and pass messages to us or your Counsel during the proceedings.

## Can I bring a support person?

You are welcome to bring a support person or two with you. We suggest you do not bring many people. This may intimidate the other party or cause arguments. Please consider how the other party may react to the presence of your support person, particularly if that person is a new partner. It may be best for your new partner to wait for you at an agreed location away from the Court. **DO NOT** bring children unless you intend to use the child care service at the Court.

Whilst any support partners, family or friends may generally sit in the back of the courtroom to view the proceedings, they will not be allowed to attend or participate in any conferences.

## What if I do not feel safe around the other party?

If you have concerns for your safety please advise the Court Officer at the main desk who will alert security, if necessary.

## Will I be able to speak with my Lawyer in private?

Yes. However, the Court venue is generally very busy, particularly in the mornings and there are only limited private conference rooms available. This means it may be necessary for you to speak with your Lawyer in open areas.

## Will there be an opportunity to negotiate outside of Court?

Depending upon the nature of the listing there may be opportunities for negotiations to take place outside the courtroom. Lawyers commonly meet before a hearing to discuss issues in dispute, enquire whether any issues can be agreed, exchange documents, etc.

Your Lawyer will confer with you throughout any negotiations and will not make any offers or concessions without having first obtained your instructions. The negotiation process can be quite pressured or stressful. In considering any offers or proposals made by the other party your Lawyer is likely to discuss with you the following -



- Whether an offer falls within a reasonable range of potential outcomes if you were to proceed to a hearing.
- The likely attitude of a particular Judge or Magistrate to the issue in dispute.
- The cost/benefit of pursuing a particular aspect of your matter. For example you may be counselled against insisting upon the return of certain personal items in circumstances where the replacement value is less than the likely legal fees outlaid in pursuing the same.
- Potential delay involved in securing a final decision and factors which may work for or against you during any such delay.
- The emotional cost of pursuing a litigated outcome not only for yourself but also your children and possibly other family members.
- The uncertainty of outcome given the discretionary nature of decision making in the Family Court.

## The Listing itself

In Child Related Proceedings you will sit next to your Lawyer. For most other hearings you will sit behind your Lawyer, or in the public seating area.

Your level of involvement will depend upon the nature of the hearing. Generally speaking your Lawyer will make submissions on your behalf. The Judicial Officer may ask questions of your Lawyer that require your immediate instructions. The Judicial Officer may occasionally direct a question to you. You must listen carefully to such questions and answer them clearly and honestly.

The Judicial Officer or the other party may put forward a proposal or suggestion. Your Lawyer may advise you what an appropriate response might be, in which case we urge you to follow such advice. If you wish to discuss the matter in more detail with your Lawyer, you may ask for a short break so you can discuss your matter in more detail outside the courtroom. You can also do this if you feel that your Lawyer or the Court has misunderstood an important issue, or that there is something important that you wish to tell the Court.

A hearing or conference can be quite pressured. Your Lawyer will be listening carefully to the Judicial Officer and the other party, in order to conduct your case. It is therefore important that you do not unnecessarily distract your Lawyer. If there is something important you wish to bring to your Lawyer's attention, we recommend you pass a note to him or her. Please note that in light of the rules of evidence and our professional obligations to the Court, you should not expect that your Lawyer will tell the Judicial Officer everything you want to say when you want to say it.

Your demeanor is important. The Judicial Officer will be looking at your body language and the way you conduct yourself. Therefore, if the other party or his/her lawyer or witnesses say something that you consider to be untrue or inflammatory, please refrain from calling out or posturing in reply. Please note that anything said in the courtroom may be recorded even when the Court is not actually in session.

## The Court grapevine

There are generally a number of Court Officers and Staff present in the Court precinct. Please conduct yourself respectfully at all times and resist the temptation of engaging with the other party other than by way of a polite acknowledgment, regardless of their conduct towards you. It is possible the Judge or Magistrate deciding your case will be informed of any inappropriate conduct outside the courtroom, but within the Court precinct.



The Family Law profession in Perth is relatively small and generally collegial. Many of the Lawyers at Paterson & Dowding have been in practicing law with their fellow colleagues for a number of years. Do not be concerned if your Lawyer or others from Paterson & Dowding engage in a friendly manner with the other party's Lawyer (or their client). Our professional courtesy to others does not and will not compromise in any way, our ability to represent your interests.

Please note however that our professional obligations as Officers of the Court may conflict with, or take priority over your interests. This is a rare occurrence. If an issue of this nature arises your Lawyer will discuss your rights and obligations arising from any such issue.

