

The First Timer's Going to Court Cheat Sheet

Virtual



WHAT TO DO BEFORE THE HEARING

1. Determine if you will be joining via video or teleconference if offered (check with court).
2. Download Zoom and test it to ensure camera and microphone work.
3. Zoom link and teleconference information is available on Thompson Reuters Case Center or sent to you via email, at least the day prior to your scheduled court date. Contact the court if you do not get it.
4. Share video link or teleconference phone number, ID, and passcode with your client and/or witness in advance. Remind them to mute themselves until addressed and prepare them on what to expect.

WHAT DO TO WHEN ITS TIME

1. Click on the Zoom link or dial into the teleconference line 15 minutes before designated time.
2. Video: Wait in the virtual waiting room until you are moved to the actual virtual courtroom.
3. Phone: After you dial into the number provided, enter ID and passcode. Wait until you are admitted into the remote courtroom.
4. If late, wait until there is a pause to announce your presence.
5. In the courtroom, the registrar may ask for your email address in the chat. Reply with your email address and who you represent.
6. Once in the courtroom, wait until you are called on. Do not make small talk.
7. When judge calls on your matter, state your last and first name (or first initial) and you who represent in what matter.
8. Unless otherwise directed by the court, it is not necessary to stand when the judge joins or when addressing the judge. Counsel may nod or bow their head when the judge enters the courtroom.
9. Request to share your screen if you want to share a document.



What to wear

GOWN

When you attend a trial, motion, or appeal at Superior Court, Court of Appeal, Federal Court, and Supreme Court, in-person and virtually.

GOWNING TIPS

The gown includes waistcoat, barrister's robe, winged collar shirt, tabs, black or charcoal pants/skirt (traditionally with nylons), black shoes. Change into gown prior to joining, do not change while in court. When out of court, remove gown.

The gown is a uniform, not a fashion statement. No accoutrements. Shirt tucked in. Waistcoat buttoned up.

Pregnant or other circumstances? Modify as you see fit, see practice direction.

SUIT

When you attend trial scheduling (assignment) court, case conference, settlement conference, trial management conference, pre-trial (can vary: check region-specific practice direction), the Ontario Court of Justice, and small claims court.

SUITING TIPS

Traditional business attire, in-person and virtually. Keep your suit jacket/blazer on, shirt tucked in and buttoned up, and tie on.

Court tips

VIRTUAL COURTROOM DECORUM

- Join from a quiet, private area with no distractions
- Wear headset or earbuds with a built-in microphone
- Mute your audio when not speaking and limit disruptive noise when unmuted (typing, shuffling papers, etc.)
- Leave the camera on unless the court directs otherwise. Ensure background is neutral, the setting is professional, lighting is natural, and camera is appropriately placed
- Your screen name should be "Last Name, First Name". You may use a prefix and/or pronouns
- You cannot record, take photos, or screen captures of the proceedings
- Keep a poker face when you disagree with a submission
- Do not address witnesses by first name. Use formal name, unless witness says otherwise
- Do not eat in the courtroom, water is permitted
- Do not walk around or step away from the screen, and do not prop up your feet on the table or chair
- Phone: do not put the teleconference line on hold, do not use speaker phone

HOW TO MAKE OBJECTIONS, RESPOND OR COMMENT

- Video: raise your hand (either physically, which is more common, or using the raise hand feature)

- Phone: respectfully interrupt the conversation to let the courtroom know you have something to say (e.g., "Objection, Your Honour")

TERMS OF ART

"My friend" = Opposing counsel

"Your Honour" = Judge, Associate Judge

"I submit" = I argue that...

"Good morning/afternoon, Your Honour" = A nice way to start your submission

"Thank you" = A nice way to end your submission

CLAIMS PREVENTION TIPS

- Get instructions from client and DOCUMENT
- Give recommendations and DOCUMENT
- Explain possible outcomes, and with each outcome, discuss timelines, risks, legal consequences, and costs consequences. Calculate dollar amounts (costs, fees, HST, etc.) as necessary
- You should expect all parties to be in the courtroom. Determine how you will be communicating confidentially with your client while in the courtroom (e.g., email, text message, etc.) and prepare your client with a strategy if they need to get your attention (one that is not disruptive to the court)

Treat everybody professionally.
Court staff are eyes and ears of the Judge.

New Lawyers Resources practicepro.ca/newlawyers

Check out our New Lawyers Resources on our website. We have interviewing tips, booklets to help you manage the lawyer-client relationship, resources for going solo, and articles to help you succeed. ■

This information bulletin is published by LAWPRO to provide lawyers and law firm employees with an overview of a typical courtroom, and to provide practical advice on ways to minimize claims and navigate the courtroom. The material presented does not establish, report or create the standard of care for lawyers. The material is not a complete analysis of the topics covered, and readers are encouraged to conduct their own appropriate legal research.

© 2024 Lawyers' Professional Indemnity Company (LAWPRO). All rights reserved.
* Registered trademark of Lawyers' Professional Indemnity Company



lawpro.ca
Tel: 416-598-5800 or 1-800-410-1013
Fax: 416-599-8341 or 1-800-286-7639
Email: practicepro@lawpro.ca