

Court hearings in the
High Court and County Courts

Ex 342- w3

Coming to a court
hearing?

Some things you should
know

If you are a limited company, you are treated as a person and can be represented at the hearing or trial by:

- anyone you choose, if your case is in the small claims track.
- an employee, if authorised by the company or corporation and the court gives permission, if your case is in the fast track or the multi-track.

What can I do if I want to ask a question about my case?

You can:

- call into the court office between 10 am and 4 pm (4.30 pm in the Royal Courts of Justice) any week day and speak to a member of the court staff;
- telephone the court any week day;
- write to the court, or
- if the matter is urgent, send a fax to the court.

But **always tell** the court **your claim number** and the date of your hearing if you have one.

Remember that court staff cannot give you legal advice or answer questions like:

- will I win my case?
- what evidence will I need?

You should get legal advice from a solicitor, a law centre or an advice agency.

Court staff **can** tell you about court forms and procedures.

What other help is available?

If, for example, you wish to wait for your hearing away from others involved in your case, contact the Customer Service Officer of the court as soon as you know your hearing date.

If you have a disability which makes going to court or communicating difficult, the Customer Service Officer may be able to help you. If the Customer Service Officer cannot help you, you can contact the Court Service Disability Helpline on 0800 358 3506 between 9am and 5pm Monday to Friday. Calls to this number are free. If you are deaf or hard of hearing, you can use the Minicom service on 0191 478 1476.

Will I need my witnesses at the hearing?

Yes, if the hearing is a final hearing and the judge has said they can give their evidence orally.

Witnesses are not needed at a hearing where the court is:

- deciding what must be done to prepare your case for final hearing (for example a 'case management conference', 'allocation or listing hearing', a 'pre-trial review' or a 'preliminary' or 'disposal hearing'); or

- considering any other application you or the other party have made (an 'interlocutory' application) unless this is at a final hearing.

If you are not sure what sort of hearing yours is, check with the court staff.

An **information leaflet for witnesses** is available from any county court office. You will find it useful to read the leaflet yourself before you give it to your witness.

What can I do if a witness is unwilling to come to a hearing?

You can issue a witness summons by completing Form N20 which is available free from any court office. You must issue a witness summons at least **7 days** before the date of the hearing. It must reach the witness (be 'served') at least **4 days** before the hearing. A fee is payable. Court staff will be able to tell you how much this is. A fees leaflet is available from any county court.

When you issue a witness summons you will have to pay the witness's expenses in travelling **to** and **from** the court and compensation for loss of time in attending court.

The witness leaflet will give you more information about witness expenses.

What should I do to get ready for the hearing?

Make sure that you and your witnesses, if you have any, know the date and time of the hearing, where the court is, and how to get there. Every court has its own information leaflet which tells you where the court is and what facilities it has.

If the hearing is the final hearing, make sure you have done everything the court said you must do to prepare your case.

In particular, you should make sure you have sent the documents you were told to send to the court.

Have all the documents ('evidence') you want to use at the hearing ready. It will help if you have them in the order you want to use them, and have copies to give to the judge.

Make a note of what you want to say so that you can refer to it. This will help make sure you do not forget anything.

If at any time before the hearing is due to take place you and the other party agree to **settle your dispute**, you must **let the court know immediately**. Write to the court and the other party confirming that the dispute has been settled. Give the claim number and the date of any hearing. If you do not tell the court that your dispute has been settled, you might have to pay the other party's costs.

What do I do on the day of the hearing?

Arrive in good time for your hearing. The court building will be open a short time before the first hearing of the day which usually takes place at 10.00 am.

Your hearing will not start before the time you have been given. While every effort will be made to keep to that time, this is not always possible and you may have to wait.

Make sure any arrangements you have made for child care and so on, take account of the possibility that you may have to wait.

On arrival, report to the receptionist or the court usher. A note will be made that you have arrived and you will be told where to wait. The court usher will usually tell you when your hearing is to begin. Listen carefully for your name being called.

If you need to leave the waiting area, tell the usher or another person involved in your case where you can be found.

Where will my hearing take place?

The hearing may take place in either a court room or in the judge's room. Some of these rooms have equipment to record the evidence being given.

Hearings can either be ‘in public’ or ‘in private’:

- members of the public are allowed to be present at a hearing in public, if there is sufficient room.
- only the people involved in the case (called parties), their witnesses and solicitors can be present at a hearing in private.

The judge decides whether the hearing is to be in public or in private but possession cases or cases involving a person’s finances or the interests of a child are usually heard in private.

You will normally find a list of cases to be heard that day, close to the waiting area. The list will tell you whether your case is taking place in public or in private. The list should also tell you whether your case will be dealt with by a High Court, Circuit or District Judge and his or her name.

What do I call the judge?

A High Court Judge is called ‘My Lord’ or ‘My Lady’.

A Circuit Judge is called ‘Your Honour’.

A District Judge is called ‘Sir’ or ‘Madam’

If you are unsure what type of judge will be hearing your case, ask a member of the court’s staff.

What happens at the hearing?

The judge will normally want to hear first from the person who started the case, or made the application, then the person disputing it.

Depending on the type of case, the person who started it can be called the ‘claimant’, ‘petitioner’ or ‘applicant’, and the person disputing it the ‘defendant’ or ‘respondent’.

Seeing a person give evidence helps the judge to decide whether or not that person is telling the truth.

You (and any witnesses) will normally be asked to swear (take an oath) that what is said or used as evidence to prove your case is true. An oath is taken on the appropriate holy book. If you object to being sworn, you can give a promise to tell the truth (called ‘affirming’). It will help if you tell the usher you want to affirm or take an oath on a particular holy book **before** you go into the hearing.

When you are giving evidence, **you may only refer to notes you have made if the judge has given you permission to do so**, unless your claim is being heard in the small claims track.

Each person, or their solicitor, will be given an opportunity to speak and ask the other person (and any witnesses) questions. This is called ‘cross examination’. The judge may also ask you some questions.

Sometimes a barrister rather than a solicitor will ask you questions. In court a barrister will wear a wig and gown.

If you do ask questions, remember to ask only one question at a time. Never interrupt the judge or another witness.

You will find it useful to make a note of what the other person, and their witnesses say; also of the judge's decision and the reason for it.

Will I be able to take someone to the hearing with me?

You can take someone with you to keep you company while you wait at the court. Whether that person can go into the hearing depends on:

- where the hearing is being held, and
- the type of hearing.

If the case is being heard in court and the hearing is a public one, the person accompanying you will be able to sit in the court room with you. **But they will not be able to speak to the judge on your behalf.**

If the case is being heard in the judge's room and the hearing is private, anyone accompanying you will normally have to wait outside. If, however, the hearing is a public one, anyone accompanying you will be able to sit in on the hearing provided there is enough room. A notice outside the judge's room or the courtroom, will usually tell you if the hearing is a public or private one.

When will the judge make a decision?

The judge will normally tell you what decision has been reached when all the evidence has been given. A written copy of the decision (an 'order') will be sent to you after the hearing.

The order will not set out the reasons for the decision. The judge may tell you to do something, such as pay money to the other party or begin preparing your evidence for trial, as part of the decision. You should carry out the instructions when you are told to do so and not wait until the written order arrives.

If the judge needs more time to reach a decision you will be sent a notice telling you the time, date and place when the decision will be given. This is called 'reserving the judgment'.

Can I object to the judge's order?

If you disagree with the judge's order you may be able to 'appeal' against it. This means that a more senior judge will look at your case and decide if the original decision was right.

If you want to appeal you **must act quickly**. An appeal must be made within strict time limits which start on the day the judge makes a decision, or shortly afterwards. The time you have will depend on the type of order you are appealing against. Court staff will tell you what this is. You may also have to pay a fee.

Do not take this step without getting some advice from a solicitor or an advice agency.

If you lose your appeal you will probably have to pay the other party's costs.

You must have proper reasons ('grounds') for making an appeal. The notes you made at the hearing will help those advising you to decide if you do have grounds for an appeal.



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