

Hearings in Civil Claims

Key information for litigants in person

Types of Hearings

- Directions hearing: Instructions for case preparation
- Case management conference: Discuss case management
- Preliminary hearing: For small claims before trial
- Application hearing: Deal with interim applications
- Listing hearing: Discuss trial date and logistics
- Final hearing (trial): Judge hears evidence and decides
- Remote hearings: May be conducted by video/phone
- Small claims: Often more informal, in judge's room

Preparing for Trial

1. Prepare opening submission (1-2 minutes)
2. Organize your evidence and documents
3. Familiarize yourself with witness statements
4. Plan questions for cross-examination
5. Prepare your witnesses for cross-examination
6. Draft your closing submission
7. Understand relevant laws affecting your case
8. Arrange for any necessary interpreters

Trial Procedure

1. Claimant's opening submission
2. Defendant's opening submission
3. Claimant's witnesses give evidence
4. Defendant cross-examines claimant's witnesses
5. Claimant re-examines their witnesses
6. Defendant's witnesses give evidence
7. Claimant cross-examines defendant's witnesses
8. Defendant re-examines their witnesses
9. Closing submissions (defendant then claimant)
10. Judge's decision and costs discussion

Key Tips

- Arrive on time and dress appropriately
- Speak clearly and use plain English
- Address the judge as 'Sir' or 'Ma'am' if unsure
- Take notes or bring someone to take notes for you
- Listen carefully and don't interrupt
- Ask for clarification if you don't understand something
- Stay calm during cross-examination
- Be prepared to ask for costs if you win
- Consider enforcement options if judgment isn't paid

Important Considerations

- Failure to attend can result in losing the case and paying costs
- You can usually bring a friend or family member for support
- Prepare thoroughly, including reviewing all relevant documents and witness statements
- Be ready to lead your case; the judge won't do this for you
- Practice your opening and closing submissions beforehand
- Understand the process of enforcing a judgment if you win
- Consider seeking legal advice or support if you're unsure about any aspect of the process

