

Five Tips for Preparing for your First Court Hearing

1. Be prepared:

- Get a good night's sleep prior to court.
- It's important to eat a full breakfast before coming to court. Your brain needs protein, to function at its best. Avoid caffeine so you don't need to use the restroom during your hearing. Eat something with lasting energy that will not upset your stomach.
- Prepare your own "care package" ahead of time.
 - Bring a water bottle, snack bar, breath mints (not gum), note pad, a couple of pens, a check book (in case you unexpectedly need to write the court clerk a check), and some quarters (in case you unexpectedly need to make photocopies) also, bring cash to pay for parking.
- Practice with your attorney (or a friend if you don't have an attorney) what you will say to the court. If you have an attorney insist that they meet you at least a day prior to the hearing to run through your direct and cross examination and to talk about what to expect.
- Organize your documents:
 - If you are representing yourself outline all of your arguments in the event you mentally freeze so that you only need to look at your notes.
 - Have 4 copies of all your exhibits (for the court, court clerk, yourself, and opposing party) neatly organized.
- Bring an extra conformed (file stamped) clean (not marked up) copy of the pleadings that were filed for your hearing (sometimes the court misplaces your documents). Also, bring a copy of your opponent's pleadings.
- Dress professionally, conservatively, and respectfully:
 - Your manner of dress should show respect for the judge. As if you are going to a business interview or to church. If you don't own a suit, it is completely fine, but dress nicely, and use clothing that covers up any tattoos. Men should be well-groomed and shaven. Women should have conservative make-up and a non-distracting hair style. Do not wear short skirts, excessive high-heels, revealing blouses, audacious jewelry, t-shirts or jeans.
 - Bring layers. The court's HVAC is unpredictable so dress to have a jacket on or off.
- If you will be representing yourself go to court on a day prior to your hearing and sit through some hearings for about an hour or so. It will take away a great deal of mystery and anxiety for you, and you will learn invaluable skills for how to check in with the clerk and conduct yourself before the judge.

2. Be sensitive to the judge's perspective:

- Due to budget restraints judges are too few in number and their daily calendars are jammed. Typically, your matter will be just one of twenty or so matters on the court's calendar for that day.
- The judge has heard hundreds or thousands of cases just like yours, some worse, some not so bad. No matter how complicated or unusual your case is the judge has probably already heard something like it before.

- Even if your hearing involves a situation where the other party has been uncooperative and has been causing problems, the judge will typically start from the perspective that it is both parties that are the cause of the problems. You will need to convince the judge otherwise.
- The judge has the heavy responsibility of efficiently getting through many cases each day and making hard decisions with little time. That can have a profound impact on the parties and their children (if any). Judges have to sleep at night knowing that perhaps they made a wrong decision on a tough call.
- The judge is a real person with his or her own problems (perhaps even marital) outside of the courtroom. Like any other person a judge may have formed biases over time. The judge may be idealistic and interested in making a positive impact in the world (usually the newer judges) or may have become bitter and cynical or could be somewhere in between.
- Your judge may have a strong command of family law or may be newly appointed with no prior experience in family law.
- Conduct an internet search on your judge to find out more about his/her background.
 - This will give you a sense of the judge's experience and what he/she deems important.
 - Ignore criticisms of the judge posted on the internet. There is a winner and a loser in most hearings. The losers often post scathing comments so ignore them because they offer little insight or validity.
 - If you are representing yourself don't expect the judge to cut you some slack just because you are not an attorney. A judge can't give you advice about the law; he/she can only rule on it. Therefore, the judge will probably tell you that he/she can't advise you. If you see an attorney you like during your hearing, get his/her card because maybe you will want to use him or her in the future.

3. What to do when you arrive at court:

- Show up at least one hour early so you can find the courtroom on time. You may find that you need to file court papers on the day of your hearing. In that case, you will probably have to go to the central clerk's office to file documents and then return to the courtroom. Most courthouses open by 8:00 a.m., with initial court hearings starting at 9:00 a.m.
- Avoid bringing metal objects to the courtroom because you will set off the metal detector as you go through it.
- As you go through the metal detector ask the bailiff what floor your courtroom is located on; that will save you time checking the directory on the wall.
- Put your mobile phone on silent mode. If it is noticeable when it vibrates, turn off vibrate mode. Judges get VERY irritated when mobile phones cause disturbances and some bailiffs will confiscate your phone if it rings.
- When you get to your courtroom look on the wall next to the door or on the door itself. There will be a docket listing all the cases the court plans to hear that day. Look at the number next to your case. Then walk into the courtroom and wait in line to tell the bailiff or the court clerk assistant which number case you have. They will give you a slip of paper to put your contact information on which will include the docket number of your case. (If you have an attorney, he/she will do this for you.) This is called "checking in." If you are appearing on an "ex parte application," your case will probably not be listed on the docket, so don't worry about that.

- Don't talk when the court is in session. You can always step outside the courtroom and talk.
- Before hearing arguments, the judge may or may not initially call each case just to see if the parties are present and to get an estimate of how long each matter will take. This is called a "calendar call." The court will usually then take the short matters first and the longer matters afterwards. If there are many matters on the calendar the court may tell you to go out in the hall, try and resolve your matter, and to come back after lunch.
- When your matter is called there will be a table for you to stand behind. On it will be signs that say "Petitioner", "Plaintiff", "Respondent" or "Defendant." Stand behind the sign that applies to you. Petitioner and Plaintiff mean the same thing, and Respondent and Defendant also have the same meaning.
- If you have a lunch break during your hearing avoid caffeine and eat simple foods that will sit well in your stomach. Turkey has a chemical that is calming so it is a good choice for lunch. Lunch break is usually from 12:00 p.m. - 1:30 p.m.

4. How to address the court:

- Use greatest respect.
- Address the judge as "Your Honor."
- Wait for your turn to talk. Do not interrupt the judge, the opposing party, or your attorney.
- Don't turn and talk to the opposing party and/or his/her attorney while addressing the court. That is extremely disrespectful to the judge.
- Listen carefully and answer the questions asked by the court. Don't evade or delay answering the judge's questions to discuss something else you want to talk about.
- Be short and to the point.
- Don't roll your eyes, shake your head, etc., when you hear the opposing party or counsel say something that is not true or that you don't agree with.
- Stay composed. It shows that you are rational, reasonable person. Being emotional, crying, etc., shows lack of control and restraint. Judges see people cry and have temper tantrums just about every day; this only hurts your case, it does not gain you empathy.

5. When you are finished with your hearing:

- Stay composed, regardless of the result. Don't gloat, cry, or storm out of the courtroom.
- Thank the judge and the court staff for their time.
- Check to be certain you don't have to wait around after your hearing to receive any papers from the court such as a conformed copy of an order.
- Debrief:
 - If you have an attorney, ask him/her to debrief with you before you leave the courthouse in order to summarize the effect of what occurred in court and any follow up action.
 - If you don't have an attorney, before you drive off, sit in your car, or find a quiet place in the courthouse away from the courtroom (like the cafeteria where you can treat yourself to a beverage). Then jot notes of anything important that occurred that you don't want to forget. Also write out a task list of what you need to do in the future.
- Did the court make the wrong ruling?

- You have extremely limited time, usually about 10 days, to file a motion for a new trial or a motion for reconsideration. A motion for an appeal is typically only about 60 days. Thus, don't delay consulting with an attorney if you feel the judge made the wrong ruling.
- Congratulate yourself! Regardless of how you did in court, getting through a court hearing is commendable.