COPING WITH THE COURTROOM:

ESSENTIAL TIPS AND INFORMATION FOR SELF-REPRESENTED LITIGANTS

THE NATIONAL
SELF-REPRESENTED LITIGANTS PROJECT
Research, Resources, Dialogue & Collaboration

Windsor Law
University of Windsor

COPING WITH THE COURTROOM: ESSENTIAL TIPS AND INFORMATION FOR SELF-REPRESENTED LITIGANTS

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A. Self-Care

Preparing for court – whether for a hearing or a trial - is not easy or straightforward, and causes a lot of stress and anxiety for many SRLs. It is important to exercise common-sense self-care to the extent possible to ensure your health and well-being during this highly emotional and anxious period in your life. Although in some ways self-evident, the following are important ways to help you cope with the stresses you may be dealing with.

1. Rest is Essential

Adequate sleep is the fuel to a healthy mind and physical well-being. Exhaustion may cause you to get impatient, frustrated and irrational which may impact your decisions. Some SRLs have told us that they felt they needed to stay up very late preparing for a hearing the following day and you may be tempted to do this. However you should try to balance last-minute preparation against the importance of adequate rest.

2. Stay Healthy

Well-nourished bodies are better equipped to deal with stress. If you are nervous or anxious you may not feel like eating breakfast on the morning of your hearing – but eating a healthy breakfast will help your energy levels throughout the day and keep your mind well-balanced.

Exercise is a good way to release built-up tension and stress. Try to fit a few periods of physical activity – even just a good walk - into your week, to reduce the effects of stress.

3. Try to Make Time for Relaxation

In order to maintain a positive attitude, try to immerse yourself in activities you enjoy. You can better handle life's stressors by relaxing your mind and body.

4. Use Checklists

By planning for your hearing in advance you will be better prepared. So start early - gather the necessary documentation, ensure you have the right forms completed, mark off the dates in your calendar, ensure you have freed up the date from any other commitments, and review your evidence and documents. Section B below includes detailed suggestions for preparation.

Create a checklist that will help you keep organized, mindful and on task. The benefit of using a checklist is that it will help you break down things that require multiple steps. Having a thorough checklist will help to reduce your anxiety levels and can help you save some brainpower for other important things as they arise.

5. Talk to Other SRLs

You may want to reach out to someone you know who has self-represented in the past. As many SRLs have told us, no one really understands what it is like to self-represent as well as another SRL, even if their case was quite different area to your own. They may be able to offer both practical tips and emotional support as you go through the process.

If you want to be put in touch with another SRL in your area, please contact the NSRLP through the website at www.representing-yourself.com. We maintain a large and growing database of SRLs from all over the country and frequently connect people in this way.

6. Make Sure You Have Support

Support from family and friends is vital especially during a stressful time in our lives. Challenges in life are inevitable and being a SRL is certainly a challenge. Try to surround yourself with positive people who can support and comfort you.

Take time for your children (if you have them) your friends, your pets, indeed anything that will help you to relax and feel "normal" in the build-up to your court date.

Finally, court can be intimidating and overwhelming. Consider taking a friend or family member with you for support. This may enable you to feel more at ease and help calm your nerves. Different judges take different approaches to welcoming support persons in the courtroom but it is perfectly appropriate for you to ask at the outset of your proceeding if someone can sit with you upfront, sit beside you when you present (sometimes called a McKenzie friend) or

simply be present in the courtroom to support you. For further guidance, see David Mossop's "Bring a Friend to Court: A Guide" written for Pro Bono BC and available on-line.

7. Continually Assess the Possibility of Settlement

More than 95% of family and civil cases settle before a final trial. Often this occurs right before trial, when an enormous amount of time and effort has already been expended.

Be smart about considering settlement options early in the process. If you settle you will not get everything you wanted – but you may get enough to make it worthwhile avoiding a long and exhausting battle, with an uncertain outcome. This is a very personal decision and your ideas about settlement may change over time. It is important to continually revisit this question and assess the possibility of the other side accepting a proposal from you to settle.

For assistance, look for your local mediation program or mediation service providers.

8. Be Prepared for Uncertainty

Some SRLs express intense frustration that despite hours of research and preparation, the outcome of their court experience does not turn out the way they had hoped or expected. As experienced lawyers will tell you, no amount of research can bring certainty. There are few, if any, certainties in law and legal process. Most areas of law allow a judge broad discretion to impose a very wide range of outcomes upon the parties coming before them.

In reality, once the judge walks into the courtroom, all bets are off. Almost any outcome is possible. This is difficult to accept, and it may be unfair, but it is the hard reality of litigation. This is another reason to constantly evaluate the possibility of settlement (above at (7))

B. Important Information Before Your Hearing/Trial

1. Opening Hours

a. Trials and hearings are usually scheduled from 10:00 a.m. (sometimes 9.30am) until 4:30 p.m. (there is some variation). The court usually takes a break for lunch at 1:00 p.m. There will also often be a break in the morning and another in the afternoon. These hours may change. Generally the

courthouse will be open at least an hour earlier than the first scheduled hearing.

b. You will be given a time to appear in court regarding your matter. However, on the day of your trial there may be other matters the judge may choose to deal with before calling your matter. This may happen because there are other matters that the judge can quickly dispose of first.

c. If you have witnesses, please make sure that you and your witnesses are on time.

2. Attend and Observe Other Hearings

You should try to attend other hearings beforehand to get a sense of what to expect on the day, although cases differ significantly from one another. Most often, hearings are open to the public. You can ask at the front counter about the upcoming hearing schedule.

If possible, try to attend a hearing dealing with a similar matter to your own in order to observe the particular procedures carried out. For example, if you have a witness in your case, you may want to attend a hearing (s) where there are witnesses. This will help you to get a better idea about how to put your witness on the stand, how to ask questions and how to object. As well, by observing trials/hearings, you will gain a better understanding of how judges and lawyers interact.

3. What to Bring with You to Court

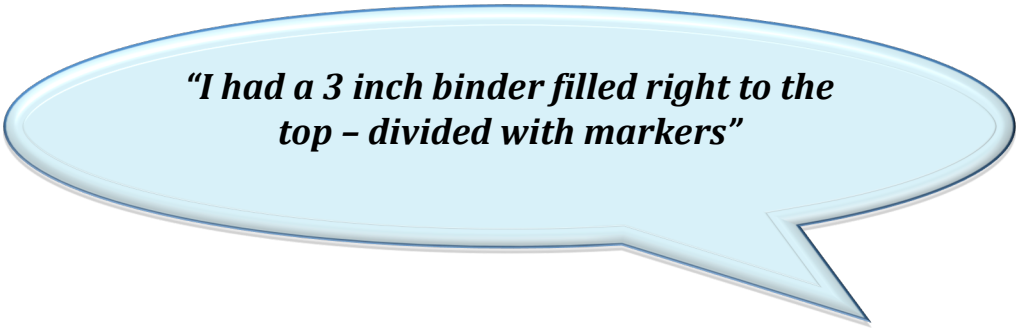
a. You should bring with you any documents that you have added to the trial/motion record. These can include affidavits (sworn statements), financial statements, letters, photographs, receipts, or reports and financial statements.

b. Bring enough copies of every document with you to trial so that each person (the other side and any legal representatives) and the judge has a copy (usually you will need three copies unless there are multiple parties). The original documents should have been filed with the court (if not, bring them with you).

c. Your court forms will be give the judge his or her first impression of you, and it is your opportunity to make this a favorable one. Double-check your forms, and the steps you have taken to provide your documents for the judge.

d. The appearance of all the written material you provide is important. Make sure they are legible and neat. Provide charts or lists if needed. Provide your evidence and pleadings in an organized and easily accessible format.

e. To keep your documents organized and easily accessible, consider putting everything together in a binder. Once you have created your binder with all the necessary documents, tab your documents with sticky notes/post its, labeling them with the name of the document. This will allow you to easily find the document(s) you are looking for, even when you are feeling under stress.



f. Bring pens, and a notepad or paper.

g. Arrange to bring with you any witnesses relevant to your case whom you are asking to testify.

h. Bring with you any friend or supporter whom you want to accompany you to your hearing (see above, Self-Care at (7)).

4. Interpreters

a. If you or one of your witnesses requires an interpreter, advise the court office where your case is scheduled to be heard in advance of your hearing.

b. The Ministry of the Attorney General provides interpreters for those people who qualify for a fee waiver, are French-speaking or need visual language interpretation or if the Court orders and interpreter.

See Appendix A for a list of provincial resources.

5. Disability Accommodation

a. Some courthouses have accessibility coordinators for people with disabilities. If accessible court services are needed you can contact the Accessibility Coordinator at the Courthouse.

You should speak to the Accessibility Coordinator as soon as possible and as far in advance as possible before your case begins. More information about court accessibility in your province can be found online on your courthouse website, or see Appendix B for a list of provincial resources.

6. Suggestions for What to Wear

Dress as professionally as possible. Stay away from bright colors, hats/toques, and if possible avoid wearing jeans.

a. Men – if you own a suit, that would be a good choice. Otherwise try to find dress pants, a dress shirt, tie, black socks, and clean shoes.

b. Women – dress pants/skirts (avoid very short skirts) cardigans, blouses, business-style jacket if possible.

Many SRLs have told us that they are treated with more respect if they try to dress "like lawyers" i.e. business casual. Of course this is entirely up to you, and this may be uncomfortable for you, but we offer this advice.

7. Know Your Judge (and what they might want from you)

Some SRLs described the importance of doing some background research on the judge before whom they were to appear. Talk to other SRLs, duty counsel or other court staff or look on-line to find out a little about the judge's reputation, and how he or she has decided previous cases. This will not eliminate uncertainty.

It is possible that you may have the same judge throughout your entire case, so it is beneficial to get to know him or her. If you appear before a different or new judge for the first time, do a little bit of homework beforehand if possible to find out more about him/her.

Most judges will treat parties, including self-represented litigants, with courtesy and respect, attend court with an open and inquiring mind, and do the hard work required to reach a reasonable decision. However, as with any group of

human beings, you may encounter a judge who does not possess these qualities generally, or on a given day.

Justice Carole Curtis (a former Law Society Bencher and family practitioner) describes some more difficult judge "types" to be aware of and to be prepared for (adapted from Curtis, C. "Dealing with Difficult Judges" available at: http://www.practicepro.ca/practice/pdf/DealingwithDifficultJudges_CarolCurtis.pdf.

- The judge who has not read your materials. Sometimes the volume of cases on the docket means that it is not possible for the judge to have read all the materials for all the cases in advance. You should assume that the judge has been able to read your materials but make your submissions simple, short and easy for the judge to understand, and fill in any gaps that are necessary.
- The judge who has prejudged. You suspect that the judge has already decided the case before the parties speak.
- The discourteous judge. Maintain your composure, remain calm, polite and focused. Remember that the court is a public record and everything is recorded. Your goal is to diffuse the situation.
- The inexperienced judge. A judge who is not experienced in the area of law you are arguing can be challenging to appear before. If you to appear before a judge who, for example, does not usually sit on family cases be prepared to adjust your presentation to ensure you are covering the basics, but starting with explaining what you are asking the judge to order.
- The judge who appears to dislike you/ has prejudged the matter. If the judge appears to dislike you, try to find out why. Pay attention to clues from the judge about your materials. Continue presenting your case as you may have a good chance of convincing the judge/ changing his/her mind. Curtis advises avoiding butting heads with a judge who appears to dislike you and to back down if this does begin to happen. End the 'contest' by retreating or apologizing. Stay calm, focused, polite and respectful at all times.

8. Proving Your Case

Remember that you must prove the claims in your application (the form that you used to start the case) or your defence/answer (the form that you used to provide a response to the application). Judges use a test called the "balance of probabilities" in family and civil cases to determine if you have proven your claims. This means that your claim must be *more probable* (more than 50%) than the other party's claims.

9. The Physical Set-up of the Courtroom (or chambers)

a. In the courtroom, the judge sits on a dais, which is a platform at the front of the courtroom.

b. There may be a court clerk, a registrar, and a court reporter in the courtroom. The court reporter takes notes during hearing. The registrar, who is gowned, passes files back and forth between the litigant and the judge, and provides any final endorsement to the litigant. The court clerk, who is not gowned, pours water for judge and does other minor errands. In some courts the clerk will also act as the reporter.

c. Please be aware that most cases are open to the public (unless proceedings are held "in camera"). You may see people walking in and out of the courtroom. Also, be aware that everything said is recorded.

d. There are two tables in front of the judge for the applicant and the respondent. These are called counsel tables. Usually, the parties sit there with their lawyers. If you do not have a lawyer and you want to bring someone to sit with you at your table, make sure that you ask the judge for permission to do this (see Mossop's guidelines on McKenzie friends, above under Self-care at (7)). However, please remember that if that person is going to be called as a witness, the judge may not allow them to sit in the courtroom - so choose someone who is not going to be a witness.

C. At Your Hearing/Trial

1. Courtroom Decorum

a. Arrive at the courtroom (you, any witnesses and any support person accompanying you) at least 15 minutes ahead of time. If you do not show up on time, the trial could go ahead without you.

b. Always be respectful and polite to everyone in the courtroom, including the other party and any legal representatives.

c. When you address the judge, use either "your Honour" or "Justice" before the judge's last name. For example, you can say, "Justice Smith" or "Your Honour". When you are addressing a Master, you can say "Master Smith".

d. You must stand when a judge enters or leaves the courtroom. When you are speaking to the judge, you should also stand.

e. When you are speaking to a witness, you should use either "Mr.", "Ms." or

"Doctor" and not their first names. For example, you can say, "Mr. Smith" but not "Joe".

f. Make sure that you return to court on time after any breaks.

g. You should take notes during court so that you can respond to any issues raised by the other party when it is your turn to speak to the judge.

h. Note that the judge cannot give you any legal advice on your case because s/he has a responsibility to act impartially when hearing the trial (or risk being overturned). You should consult a lawyer or duty counsel at your local courthouse. However if you have any questions about **court procedure** (e.g. how a rule of procedure works, what happens next, what is expected of you) during your trial, you may ask the judge.

i. You may not personally record your trial unless you first obtain permission from the judge.

2. Speaking: Your Turn

The following rules and expectations are sometimes difficult to follow if you are feeling distressed or frustrated. However, many SRLs have emphasized to the importance of observing them in order to present yourself as credible to the court and especially to the judge.

a. When you want to speak during the trial, talk to the judge. Do not speak directly to the other party.

b. Do not interrupt when the judge or the other party is speaking. Only one person is allowed to speak at a time.

c. If you disagree with something that the other party tells the judge, write it down. Do not speak to the other party and tell them that you don't agree. The judge will give you time to disagree but only when it is your turn to speak.

d. If you have an objection to a question that the other party puts to one of your witnesses, you should not interrupt but instead:

   i. Write down your objection right away
   ii. Stand up. This tells the judge that you have something to say. You can then explain why you are objecting to the question the other party asked <u>your</u> witness. However, do not stand up if you disagree with the other party's or the other party's witnesses' answers to questions, or if you think that the other party or their witnesses are lying. Just

write it down so that you can refer to it later.

e. If you can't hear a witness, the other party, a lawyer or the judge, you should let the judge know. Stand up and politely let the judge/lawyer know you did not hear what was said.

3. Swearing by Oath vs. Affirming

If you or your witness(s) are put on the stand, you will be asked to either swear on oath or affirm that what you will be testifying is the truth.

An oath is a verbal promise to tell the truth. Oaths are frequently made while holding the Bible, the New Testament or the Old Testament. Witnesses may choose to swear an oath on another relevant religious text. It is not necessary that a religious text be used in taking an oath. For a witness appearing in court, the form of oath taken is generally as follows:

"I swear (or the person taking the oath may promise) by Almighty God (or the person may name a god recognized by his or her religion) that the evidence I shall give will be the truth, the whole truth and nothing but the truth."

An affirmation is a verbal, solemn and formal declaration, which is made in place of an oath. A person may choose to make an affirmation rather than taking an oath. An affirmation has the same effect as an oath. For a witness appearing in court, the form of affirmation is as follows:

"I solemnly and sincerely declare and affirm that the evidence I shall give will be the truth, the whole truth and nothing but the truth."

4. Excluding Witness

a. If you have witnesses, the judge can order all witnesses to stay outside the courtroom until they are called to come into the courtroom and give their evidence. You should be prepared for this to happen and warn your witnesses that they may have to sit outside until they are called to give evidence.

b. The request to exclude witnesses may come from you or the other side. It will be made at the beginning of the trial and is done to ensure that a witness does not change his or her testimony after hearing another witness. If a judge decides to order that the witnesses should be excluded from the courtroom, you must also ensure that you do not speak to the

witnesses about any of the evidence that has been presented at trial before they testify.

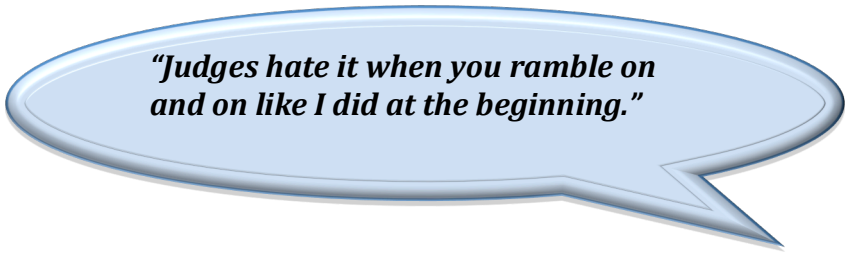
c. You do not have to leave the courtroom when other witnesses testify, even if you intend to testify yourself.

5. Opening Statements

a. Most judges will require both parties to give an opening statement at the beginning of the trial. The purpose of an opening statement is to give the judge a roadmap of the issues and the evidence that you will be presenting to the court. It is not the time to give evidence. You should only give the judge a summary of what you will be doing and the orders that you want the judge to make.

b. The applicant (the party that started the case) gives her or his opening statement first.

When you prepare an opening statement, you should make it as concise as possible. If you make a very lengthy speech the judge and the other party may become impatient with you and this will set a poor tone.



Instead you should concentrate on setting out in summary form only the following:

i. The orders that you want the judge to make today
ii. Your most important issues
iii. How you intend to support your claims, i.e. what evidence you will bring (*in outline only*) and the documents you will be presenting to the court.
iv. Any witnesses you will be calling

c. If you are the respondent, you will probably give your opening statement immediately after the applicant's opening statement. However this will depend on how the judge wants the hearing to run. For example in a (relatively short) hearing for a motion, the judge may ask for the applicant's opening statement to be immediately followed by the

presentation of their arguments/evidence, and then turn to the respondent for their opening statement followed by the presentation of their argument/evidence). This is not common, but something you should be aware of in the event the judge chooses to proceed this way.

d. Do not be argumentative or dramatic during your opening statement. You want to be seen as reasonable, calm and confident.

e. Do not interrupt the other party when they give an opening statement to the judge. You will be given a chance to present when it is your turn.

f. It is very important to remember that your opening statement is not the time for you to present your evidence in any detail. Instead, the purpose is to set out in outline what you will be bringing forward to the court as evidence.

6. Evidence After the Opening Statement

a. Your evidence may come from you, your witnesses or your documents.

b. If you are the applicant, you will go first. You can call your witnesses or testify yourself. You must also produce your documents at this time for the witnesses to identify or for you to identify. These documents, which can include such things as affidavits (sworn statements), financial statements, letters, photographs, receipts, or reports, are called "exhibits".

c. The applicant will first question his or her own witnesses (this is called examination-in-chief). The respondent then has a chance to cross-examine the same witness.

d. The applicant may then re-examine their own witness to clarify matters raised by cross-examination by the other side. However, no new issues can be raised at this point what were not raised during the cross-examination.

e. The judge may now ask questions of the witness.

f. The process is repeated for the respondent's presentation of evidence and witnesses. If you are the respondent, then just as for the applicant, you can call your witnesses or testify yourself; and produce your documents ("exhibits") for the witnesses to identify or that you may identify. Examination-in-chief will be followed by cross-examination by the applicant, followed by re-examination by the respondent, followed by questions from the judge.

g. Every witness will be asked to swear an oath or affirm that he or she will tell the truth (see above at (3)). Lying under oath is called "perjury" and is punishable by up to 14 years in jail.

h. As far as possible, let your witness tell his or her own story. You should have discussed this with them beforehand. Your questions to them will organize the structure of what they say (see further below). Try not to interrupt or "lead" them when they are responding to your questions, and let them speak to the judge in their own words.

i. You can decide the order of your own witnesses.

j. If you decide to testify on your own behalf, usually you will be the first witness when it is your side's turn to give evidence. If you don't testify on your own behalf, the other party may still call you as a witness for their case. If you testify on your own behalf, you may be questioned by the other party (questioning by the other party is called cross-examination).

k. The other party may cross-examine each of your witnesses. You may cross-examine each of the other party's witnesses.

l. Once you or your witnesses have completed testifying/answering questions, you can usually sit down.

7. Expert Witnesses

a. There is a difference between expert witnesses such as doctors, therapists or counselors, and other kinds of witnesses such as friends and family. Expert witnesses can give an opinion based on their qualifications and expertise. For example, they can give an opinion about a medical diagnosis.

b. Your friends and family cannot give an expert opinion.

c. Be sure to consult the rules of court on expert witnesses and the time requirements for the submission of expert reports.

8. Tips for Questioning Witnesses

There are very specific rules involved in questioning witnesses and this is a true "art-form". Here are some tips to enable you to do as well as possible as a SRL.

a. You may not ask "leading questions" in examination-in-chief (questioning your witness). Leading questions are questions that have the answer in the question – for example, "The car was red, wasn't it?" If you focus on asking

questions that start with who, what, where, when, why, how, or please describe, this will help you to avoid asking leading questions.

b. Remember that the questions asked of a witness are not evidence; rather, it is the witnesses' answers to the questions that are evidence.

c. Usually, witnesses can only testify about what they have personally seen, heard or did. There are some exceptions to this such as when a witness is an expert.

d. Always allow a witness to finish answering your question before you ask the witness another question.

e. Never argue with a witness. This will not help your case and will make you look bad.

f. The purpose of cross-examining a witness for the other side is to test the truthfulness of their answers and bring out evidence that is favourable to you during the cross-examination; you should ask questions about the witnesses' ability and opportunity to observe the things that he or she is telling the court. As well, you can question the witness about their ability to provide an accurate re-telling of what he or she has seen and heard and whether the witness has any reason to be biased or prejudiced or has an interest in the outcome of the case.

g. You do not have to cross-examine a witness for the other side. However, if you decide to do so, you are not subject to the requirement that you cannot ask leading questions. In fact leading questions are often preferable to open ended questions during cross-examination!

h. If a witness for the other side has made a sworn statement before the trial (called an affidavit) and is now saying something different, you should cross-examine the witness about their prior statement and any discrepancies.

i. If a witness for the other side has said something positive about you or beneficial to your case in their prior statement, you should ask them a question about this. To do this, ask the witness if they remember making the statement and swearing that the statement was true. Then, you can read the section of the prior statement that is helpful to you/ your case. Ask the witness if the statement is true. If the witness says that the statement is true you have made your point. If the witness says that the statement is not true, this will show the judge that the witness is not credible in other respects.

j. If you are going to later offer evidence contradictory to what the witness is saying, you have to warn them in advance and allow them to attempt to justify the contradiction (this is known as the Rule in *Browne v Dunn*).

9. Objections

During the questioning of witnesses, you have the right to object to the questions that the other party asks a witness or you can object to the introduction of documents that a witness has identified. If you wish to object to a question or to the introduction of a document, stand up. The judge will ask you why you are objecting. The judge will listen to both you and the other party about the objection and will decide whether your objection is valid.

10. If You Choose to Testify

a. If you decide to testify yourself, you must only say what you personally saw, heard or did.

b. Since you are representing yourself, the judge may ask you questions during your examination-in-chief by the other party. You should think about what you want to say and even write it out before you come to the courthouse - but you should not expect to read your notes when you are a witness. If you made notes at the time that something occurred, you must ask the judge for permission to look at those notes. You will need to tell the judge why you need to look at these notes (for example, to ensure that you are being accurate in your testimony).

11. Closing Statements

a. After all of the witnesses have been called to testify, the judge will ask both parties to make closing statements. In your closing statement, you should tell the judge what you believe the decision should be, based on the evidence – your witnesses and your documents. At this time, you may also point out problems with the other party's evidence.

b. The applicant makes his or her closing statement first, followed by the respondent.

c. Your closing statement cannot include issues that have not already been introduced by your evidence.

12. The Judge's Decision

a. After the parties make their closing statements, the judge will either make an immediate oral decision, or he or she will "reserve" their decision and disclose it on a later date. In most cases, the judge will release their written decision within approximately six months and usually sooner.

b. If you are waiting for a reserved decision, you can ask the counter staff to enquire from the court clerk when the decision is likely to be ready.

c. The decision will explain the judge's reasoning and why he or she has chosen to make this decision.

13. Offers to Settle and Costs

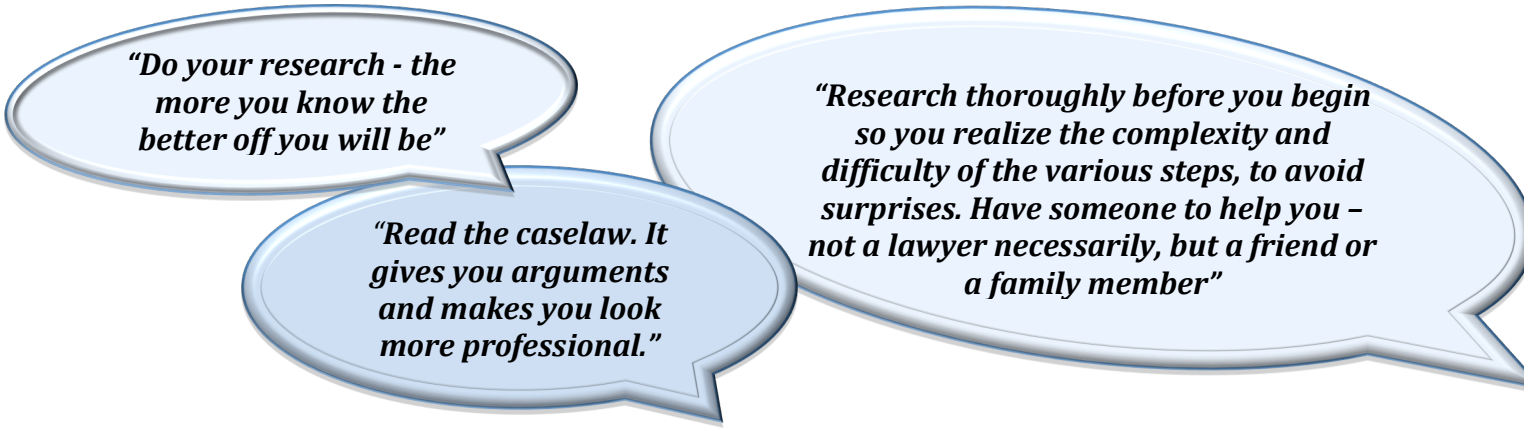
The general rule is essentially that if a losing party refuses a settlement offer that turns out to have been better than the final adjudicated outcome, he or she may have costs awarded against him/her - in other words, pay the other side's costs. This rule makes it important to seriously and realistically evaluate any formal settlement proposals (see under Self-care at (8) above).

D. What Works

Here are some final practical tips for preparing for and presenting in court that SRLs have consistently told us helped them to achieve good results.

1. Do Your Research

Know the issues and what you are getting yourself into. Understand the relevant past decisions (known as precedents) and the implications those decisions may have for your case (many SRLs told us they used CanLii to access precedents. For more information visit www.canlii.org/en/).



2. Make Your Own Templates of the Court Forms

If you have time, it is extremely helpful to create a permanent electronic template of the forms you will be using. This will assist you in re-using the forms when needed since you often have to make multiple copies. If you do not have access to a computer or know how to create an electronic template, take a few photocopies of the forms before filling them out, which will save you from having to obtain more from the court.

3. Get Copies of Digital Recordings of Hearings

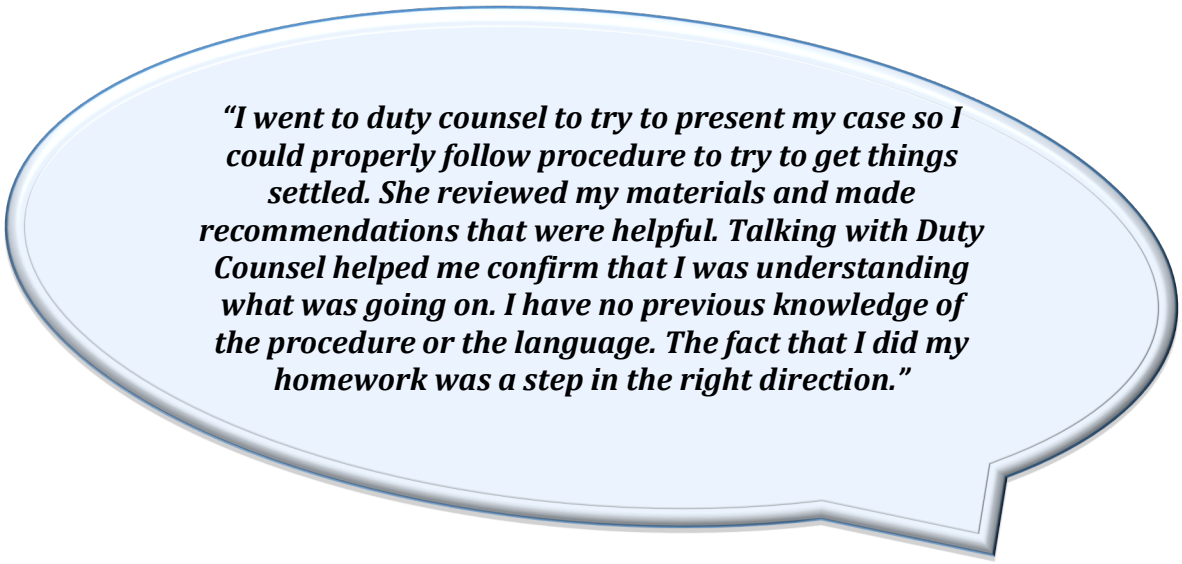
You can obtain digital copies of court hearings with judicial permission. You will be required to pay the relevant copy fees, which can be costly. However, you can request a fee waiver because of your financial circumstances. To find out more on the fee waiver process you should visit your provincial Ministry of the Attorney General/Justice Ministry website.

4. Keep Your Documents in Chronological Order

Organize your documents in a binder. Tab each document in order that is easily accessible to you either in a binder or a folder (see also Section B (3)(e)) above).

5. Duty Counsel

You can access free legal advice and guidance on court procedure on the day of trial from Duty Counsel at the courthouse (subject to eligibility). Many SRLs report very good experiences with Duty Counsel who are very experienced at helping people representing themselves. Ask around for Duty Counsel's office if you cannot find it.



6. Request a Court Summary Sheet

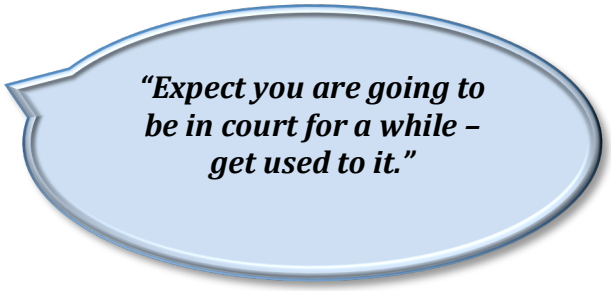
This is a one-page summary that you can obtain from the court registry. It provides a summary what happened in your case in court that day. Once a decision is issued, an entry is made in the on-line Court Index and Docket, with a summary of each decision. If formal reasons for decision are also issued, they will be made available on the Court's website at the Decisions page a few days after the decision is signed. Note: there is a fee per page to get a copy of Court decisions, either in person or by fax, and fees vary between provinces.

7. Expect to See Many Different Judges

One of the most challenging aspects of appearing as a SRL is that you will probably see a number of different judges – just because a particular judge heard your case the last time you appeared, does not mean that the same judge will be sitting on your next appearance. This can be frustrating because as many SRLs told us, you need to establish your credibility with each judge. However you should anticipate this and be ready to present yourself anew to each "new" judge you appear before (see the suggestions for homework above at B (7)).

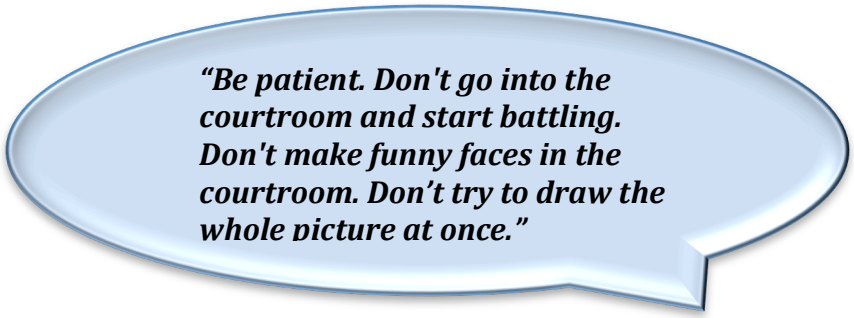
8. Practice Patience

Court can drag on at times. You can't control or 100% anticipate how long you will have to be at the courthouse on any given day on which you have an appearance, because it will depend on the number of cases being heard that day and other events that could transpire. Ensure that you have cleared your schedule to give you plenty of time that day, and taken care of any conflicting appointments or other commitments. Try to stay stoic about the wait – and bring other reading or work with you to occupy the time.



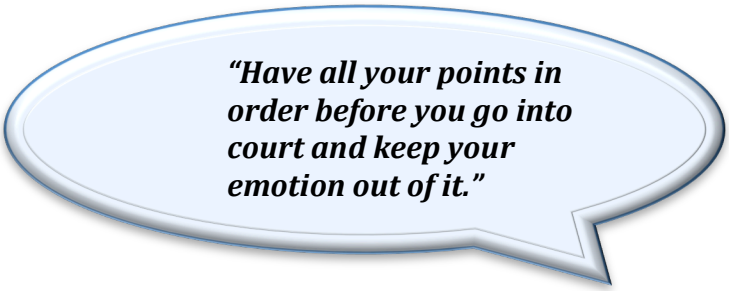
9. Keep it Simple

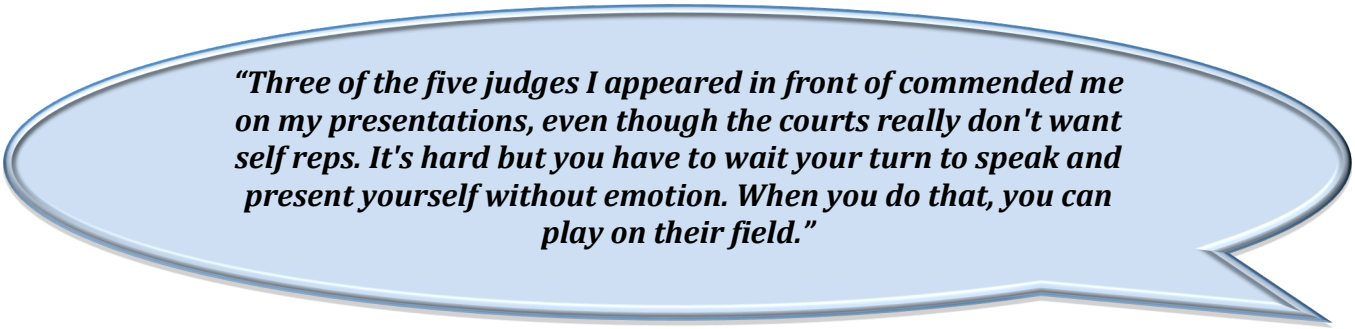
Try to stay on point. Be clear, and succinct. Don't over complicate the issues.



10. Stay Calm and Unemotional

Many SRLs have told us that they are more effective when they follow the "rules of engagement" in the courtroom. This includes both the technical rules (the most important of which are described above) and the "unwritten rules". One of the "unwritten rules" is to stay calm, centered and try not to get emotional (even though you will probably be feeling very emotional, understandably). In the words of SRLs themselves:





APPENDICES

Appendix A: Interpreters

Ontario
http://www.attorneygeneral.jus.gov.on.ca/english/courts/interpreters/

British Columbia
The British Columbia Court Services Branch currently contracts individually with approximately 200 court interpreters. The Court Services Branch works collaboratively with some external organizations for the purpose of quality assurance: The Society of Translators and Interpreters in British Columbia (STIBC); Multi Lingo Legal, which offers multilingual legal resources in nine languages other than English; MOSAIC, a multi-lingual non-profit organization; and the Westcoast Association of Visual Language Interpreters (WAVLI).[1]
http://www.ag.gov.bc.ca/courts/faq/info/interpreter.htm
http://www.justicebc.ca/en/fam/help/interpreters/more-info.html

Manitoba
The Government of Manitoba provides interpretation and translation services in any proceeding, including all court proceedings, from one official language to the other official language through the Interpretation Section of Manitoba Culture.
http://www.manitobacourts.mb.ca/pdf/interpretation_services.pdf

Saskatchewan
The Association of Translators and Interpreters of Saskatchewan (ATIS) was established in 1980 to assess the language ability and knowledge of interpreters; those with sufficient ability can become associate or certified members of ATIS. However, ATIS is not a training or teaching institution.
http://www.atis-sk.ca/
http://www.languagelinx.ca/court/saskatchewan-court-interpreters.aspx

Quebec
The Court maintains an interpreter database with about 100 interpreters, 25 of which are official language interpreters. Visual language interpreters are hired through a private agency. Videoconferencing is used for interpretation only in one or two cases a year. Most of the requests for court interpretation of Aboriginal languages are for Inou or Inuktitut and are in the Youth Division.[2]
For more information please visit:
http://www.justice.gouv.qc.ca/english/joindre/renseign-a.htm

[1] Annalisa Edoo et al, "White Paper on Quality Court Interpretation Services" (2010) for the Association of Canadian Court Administrators.
[2] *Ibid*.

The written policy governing court interpretation services is Directive A-6, Services D'interprètes Et Paiement Des Frais[3], which sets out the policy for providing court interpreter services when litigants or witnesses do not understand the official language being used in court, First Nations languages (Cree and Inuit) and sign language.

New Brunswick
All courts in New Brunswick hire official language interpreters. The Interpretation Coordinators contracts individual interpreters for court services

Nova Scotia
Nova Scotia hires both freelance and full-time court interpreters, utilizing out-of-province interpreters, as the demand for foreign language interpreters is infrequent.
http://www.nsfamilylaw.ca/other/family-law-and-race-culture-language-or-ethnicity/interpreter-services

Prince Edward Island
Interpreters are hired on an ad hoc basis. If you require an interpreter in the province of Prince Edward Island please contact Ms. Shelley Brennan Young, Trial Coordinator, responsible for scheduling and contracting the services for interpreters at:
http://www.gov.pe.ca/phone/index.php3?number=2087

Northwest Territories
CanTalk is a telecommunications service provider offering interpretation assistance 24/7:
http://www.cantalk.com/index.htm

Nunavut
The Court hires approximately 20 freelance interpreters, and one full-time interpreter is a member of the court staff. Remote interpreter services used by the Court include both videoconferencing and teleconferencing technologies. The Nunavut Court of Justice maintains a database of language interpreter services for Inuktitut, French, and Innuinnaqtun languages. Three American Sign Language (ASL) interpreters are also included in the database.
For more information please visit: http://www.nucj.ca/unifiedcourt.htm#Hours

[3] *Ibid.*

Appendix B: Disability Accommodation

Guide to Government of Canada Services for People with Disabilities and their Families:
http://www.faslink.org/Disability_Guide_ENG.pdf

Ontario
There are Accessibility Coordinators in all Ontario Provincial courthouses to provide information about accessible service and respond to accommodation requests.
http://www.ontariocourtforms.on.ca/english/accessibility

Nova Scotia
http://www.novascotia.ca/coms/disabilities/documents/SPD_Public_Policy.pdf