

Procedural Fact Sheets (Civil) – Supreme and District Courts

Appearing at a civil trial

Preparing for the trial

- If you are a plaintiff, ensure you understand the defendant's arguments against your claim, as explained in the defence (and counterclaim, if a counterclaim has been filed).
- If you are a defendant, ensure you have read and understand the plaintiff's claim against you, as set out in the claim and statement of claim, further and better particulars (if these have been filed) and reply.
- Prepare written opening submissions which give an outline of your case; setting out the facts you hope to prove, the evidence you will be relying on, and the law that must be applied to the facts. The outline is a "roadmap" explaining the case you intend to argue at trial.

Appearing at the trial

- Parties must appear at the hearing, by their legal representatives if they are represented or in person if they are self-represented.
- If a party fails to attend the hearing, the court may make orders in their absence at the request of the opposing party.

What to wear

A court hearing is a formal process, so wear a suit or formal business attire if possible. Dress neatly and conservatively, and wear closed-in shoes.

What to bring

Ensure you have copies of every document you intend to rely on in proving your case:

- Documents should be organised, arranged neatly in a folder, and clearly labelled.
- Be clear about how each document assists in proving your case.
- Ensure that you have the original of any documents that you will rely on in proving your case, as the judge may ask to see the original.
- Make sure you have three copies of any documents that have not yet been filed, including opening submissions, and that you want to submit at the hearing: one copy for your own use, one for the court, and one for the opposing party.
- For improved efficiency, you may agree with the opposing party to submit the documents to be relied on by all parties to the court in an indexed and paginated binder.
- You must supply your own writing materials.

Using an interpreter

If you, or any of your witnesses, have difficulty in speaking or understanding spoken English, you should arrange for an interpreter to attend the hearing to assist:

- Find a suitable independent interpreter with NAATI (National Accreditation Authority for Translators and Interpreters) certification via NAATI's [online directory](#).
- Notify the opposing party and the court of your intention to use an interpreter at the hearing - the opposing party has the right to object.
- The court will decide whether the interpreter will be permitted to assist at the hearing

Access needs

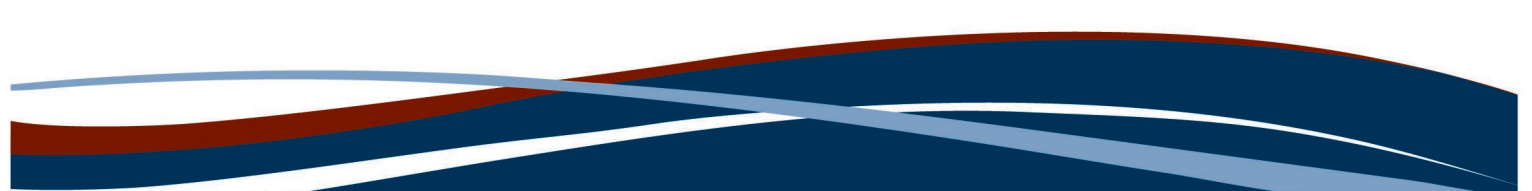
If you, or any of your witnesses, have a disability and require special access to the court building or facilities, email the Civil List Manager CivilListManager@justice.qld.gov.au (Supreme Court) or dc-civillistmanager@justice.qld.gov.au (District Court) well ahead of the hearing date. The List Manager will assist with any concerns about access.*

Before the hearing

- Check the [daily law list](#) the evening before, or the morning of, the hearing to identify the courtroom where the hearing will take place.
- Arrive at least 15 minutes before the listed time for the hearing.
- If there is more than one hearing taking place in the courtroom that day, wait quietly until the bailiff calls the name of your matter.
- The bailiff is the registry officer responsible for the efficient operation of the courtroom. You will recognise them by their uniform.
- If you are unsure about the location of the hearing, approach the bailiff and request their assistance.
- Switch off your mobile phone.
- Do not eat or drink in the courtroom.
- Appearance slips will be available at the bar table. The bar table is the long table located towards the front of the courtroom and facing the bench, where the judge sits, and the associate's table, where the associate and the bailiff sit. If you can't find an appearance slip, request one from the bailiff. Complete the slip by entering the name and court file number of your matter, your full name, and whether you are the plaintiff or defendant. Hand the completed slip to the bailiff.

During the hearing

- Sit or stand at the bar table - the long table towards the front of the courtroom, which faces the bench (where the judge sits) and the associate's table (where the associate and bailiff sit).
- Drinking water will be available at the bar table.
- Each party will be required to present their case to the court.
- Be courteous in all interactions in the courtroom:
 - bow towards the judge when entering and leaving the courtroom and whenever the judge enters or leaves.
 - address the judge as "Your Honour".
 - stand up whenever the judge speaks to you or when you are invited to speak - otherwise remain quietly seated. If you have difficulty standing, you may ask the judge for permission to remain seated.
 - listen carefully to any questions the judge may ask and answer carefully and clearly.
 - if the meaning of a question is unclear, advise the judge and request that they repeat or rephrase the question.
 - do not interrupt the judge, or the other party, when they are speaking.
 - do not speak to the opposing parties during the hearing.



- direct all comments or questions to the judge.

Support persons

In court, parties must represent themselves or be represented by lawyers.

- If you are a self-represented party, you may ask the court for leave for another person to assist you at the hearing. This person is known as a “McKenzie friend”. They may be permitted to sit with you at the bar table, prompt you, take notes, and provide emotional support, but cannot address the court on your behalf or present your case.
- You may also arrange for a support person to attend court with you. They may be a relative, colleague, or friend. They will not be permitted to speak to the judge or to represent you in any way and must sit at the back of the courtroom, in the area reserved for members of the public.

What happens at the trial?

Read the fact sheet about the conduct of a civil trial.

The judgment

The hearing duration will vary depending on the complexity of the matter. Once the judge has heard all the evidence, they will give their final decision about the case. This decision is called the “judgment”.

- The judgment may be given at the end of the hearing or may be reserved.
- If judgment is reserved, the associate will notify the parties by email of the date, time, and place for judgment to be given.
- If you do not attend court for delivery of the judgment, it will be sent to you.
- The judgment will also be published on the court’s website and will be publicly available.

Costs

- If you lose your case, the court may order you to pay the legal costs of the opposing party.
- If the other party is represented, you may have to pay the fees of the other party’s solicitor and barrister, hearing fees, and other expenses.
- If you are successful, you may be given an order for costs in your favour. If you are a self-represented litigant, you cannot claim the time you spend working on your case as part of your costs.
- A successful party will usually be able to recover some of the expenses they have incurred in the proceeding. They will not recover all their expenses e.g., they will not recover income lost because they had to take time away from work to attend court.
- Costs can be substantial, so it may be in your best interests to try to settle your dispute by reaching a compromise with the opposing party and avoid a trial if possible.

Appeals

- If you disagree with the judgment, you may be able lodge an appeal for hearing by the Court of Appeal. You will not always have this right.
- Sometimes you will need leave of the court to bring an appeal.
- Read the rules for bringing an appeal in Chapter 18, Part 1 of the [Uniform Civil Procedure Rules 1999 \(Qld\)](#) (UCPR).

**These email contacts are for officers in the Brisbane registry. If your proceeding is in another district, request relevant contact details from that [regional registry](#).*

