

## WHAT TO EXPECT AT COURT

### COMPLIANCE AND READINESS and TRIAL MANAGEMENT HEARINGS

#### What will happen?

Generally, Compliance and Readiness hearings and Trial Management hearings occur in person, and both parties and their representatives are required to attend the court in person. If necessary, we can ask permission for you to attend online by Microsoft Teams. The court will usually provide a link to the Microsoft Teams meeting one or two business days before the hearing, and we will forward this to you when we receive it. You should ensure that Teams is downloaded, ideally on your computer and otherwise on your phone, so you can access it on the day of your hearing. If you have any issues with that, please let us know.

When you dial into the hearing, you must have your camera off and be on mute.

These hearings are technical, and they are focused on procedural matters with the intention of ensuring your matter can proceed smoothly towards a final hearing. On or before the day of your hearing, we will organise a conversation between you and your lawyer/barrister either on Zoom or by telephone to discuss what is most important to you and what you want to achieve from the hearing.

Sometimes, the barristers or solicitors will agree in advance of the court date on the proposed orders that should be made, which will be sent to the court and requested to be made by the court on the day of the hearing.

Before a Compliance and Readiness hearing, parties and their lawyers are expected to provide each other with certain information regarding the way they expect a final hearing to run. This includes a list of proposed witnesses and how long they expect a final hearing to run, as well as certificates confirming that they have complied with all orders up until that date and exchanged all necessary documents. This is so the court can be satisfied that your matter is ready to be listed for a final hearing and can make any orders that may be required to give direction to your matter in the meantime.

A judge may also list your matter for a Trial Management hearing before the final hearing date. On this date, the judge will confirm that any orders made at the Compliance and Readiness hearing have been followed and that there is no other reason why the final hearing should not proceed.



## **Will I need to speak?**

Typically, you will not need to speak, and your barrister or solicitor will speak for you.

## **Will any decisions be made on the day?**

The only decisions made will either be:

1. By Agreement between you and your former partner; or
2. Procedural decisions made by the judicial officer.

## **What happens next?**

We will provide you with a written update so you can understand what the next steps are and any relevant dates for you to be aware of.

Some common next steps following these hearings are:

### Children's matters

If any witnesses are being called– such as a Family Report writer or a psychiatrist who has provided a report – the court will make orders for them to be notified that they are required to appear. Additionally, suppose the Senior Judicial Registrar considers that further information would assist the judge at the final hearing, to make the final orders, they may order that such information be obtained, for example with an additional subpoena being issued.

### Financial matters

By this time, you and your former partner should have already exchanged the necessary documents for you to learn more about the other's financial position, and any significant assets should have been valued if their values can't be agreed upon. However, if any of this has not yet been done, orders will usually be made to ensure it is done, or updated, as appropriate before a final hearing.

In both children's and financial matters, you are likely to be ordered to file an amended copy of your initiating application or Response to Initiating Application to inform the court of what orders you are seeking now (if they have changed since you first filed) and a 'trial affidavit' (which will consolidate the information and evidence you have previously given in affidavits into one document, so that any issues



that have been resolved since your previous affidavits can be removed, and the judge is only required to consider relevant information and disputes).

The next step will be the final hearing.

### **What should I wear?**

In case you do, for some reason, need to be on camera with either the court or your barrister, you should wear something you feel comfortable in that looks professional. Think of the kind of thing you might wear to a job interview.

### **Can I have someone with me?**

You are welcome to have one or two support people with you when you dial into the court, though if you are required to turn on your camera or microphone, we request that you ensure that only you are in the picture or speaking.

### **What will the costs be?**

We will brief a barrister to appear in court on your behalf. We will also be involved on the day. We will suggest a barrister who will suit your case, and we will advise you of their costs and ask for you to agree to brief them. We will need to obtain the barrister's funds into our trust account before the court date, as well as ensure that our own costs are paid to date. We will let you know precisely what we need from you.

If you have any questions during the process, please let us know, as we want to make the experience as comfortable as possible.