

## How do I prepare for my court appearance?

### *“I’ve got a Court Attendance Notice (CAN) - what do I do?”*

- Check your court date and time on the top of the CAN. If you’ve lost your paperwork, call the police station where you were charged to obtain another copy.
- You can use the [NSW Online Registry](#) to search for your court date and time.
- Check the address of the court
- Seek legal advice as soon as you can by calling [LawAccess NSW](#) on **1300 888 529**
- Legal Aid NSW, the Aboriginal Legal Service, and Community Legal Centres also provide free legal advice and may assist you in court matters.

Remember to take your Court Attendance Notice (CAN) to court with you on the day.

### *“Do I need a lawyer?”*

Yes, it is a good idea to speak to a lawyer for legal advice or about legal representation. Please be aware that lawyers are sometimes called ‘**solicitors**’.

#### **Legal advice**

Legal advice means a lawyer telling you the best way to deal with your court case. It is a very good idea to get legal advice because it will help you to:

- Understand your rights
- Make the best decisions about what to do about your court case
- Decide whether to plead guilty or not guilty
- Get the best outcome for you in court

#### **Legal representation**

Legal representation means a lawyer speaks for you in court and helps you through your case.

You can represent yourself in court if it is a simple matter but it may be better if you can get a lawyer to speak for you in court.

It is much better to have a lawyer if you are going to plead not guilty. That is because a lawyer can help you in the hearing process.

You can get legal advice or representation before you go to court by calling [LawAccess NSW](#) on **1300 888 529**.

### ***“How do I get legal advice or representation?”***

#### **Getting legal advice**

Legal Aid NSW provides free advice to people who can't afford to pay for a lawyer.

Go to the [Law Access NSW website](#) or phone them on **1300 888 529** to get an appointment with Legal Aid.

Some local courts have 'duty lawyers' who help people at court that day who do not have their own lawyer. Some local courts do not have duty lawyers so you need to speak to Legal Aid NSW before you go to court.

#### **Getting legal representation**

To apply for a Legal Aid NSW lawyer, you will need to complete an application form in a Legal Aid office or on [their website](#). If you need help doing this call LawAccess NSW on 1300 888 529 or a Legal Aid NSW office.

#### **Community Legal Centres**

Some [community legal centres](#) provide advice on minor criminal matters.

[Aboriginal Legal Service](#) NSW/ACT (ALS) provide targeted legal support to Aboriginal and Torres Strait Islander persons. Call your Local ALS service on 1800 765 767.

#### **A private lawyer**

You can choose any private lawyer to represent you.

These can be very expensive and not necessarily better than Legal Aid so if you are eligible for Legal Aid, that may save you a lot of money.

You can find a list of private lawyers [here](#).

## ***“Do I have to attend court?”***

Yes, you must attend court!

However, there are different ways you can attend court besides going to the court in person. You can ‘attend’ court by emailing a [Written Notice](#) of Pleading form to the relevant court. You may also be able to apply to attend court via video link or telephone.

If you don’t attend court, it can cause you a lot of problems, for example:

- The Magistrate might make a decision about you without you having had your say.
- The Magistrate might tell the police to find you and arrest you. This is called an arrest warrant.
- It goes onto your criminal record as a ‘failure to appear’. This means that you will find it more difficult to get bail in future.

Some court appearances have been moved online or by phone because of COVID-19 public health orders.

Due to of COVID-19 public health orders some court appearances have been moved online or by phone. However, the advice about who can attend a court in person changes regularly, so check with your lawyer or [the court’s website](#).

## ***“What should I say in court?”***

If you decide to represent yourself, it is important you prepare what you are going to say in court.

Getting legal advice will help you to decide what to say.

- Whether you will plead guilty or not guilty.
- What you will say about what happened.
- Whether you need any documents about your case.

Sometimes you might need things like

- ◆ a police fact sheet,
- ◆ evidence of how much income you have,

- ◆ your criminal record,
- ◆ medical reports,
- ◆ copies of statements or character references.

### ***“What should I take to court?”***

- Your Court Attendance Notice (CAN). If you have lost your paperwork, call the police station where you were charged to obtain another copy.
- Any documents you have about your case, such as a **police fact sheet**, evidence of how much **income** you have, your **criminal record**, **medical reports**, copies of **statements or character references**.
- A pen and paper to take notes in court.
- Any essential medications, your phone and food, in case you have to stay at court all day.

### ***“What should I wear to court?”***

It is OK to dress smart casually at court – you do not need to wear a suit.

Dressing in a tidy and respectful way might help you to feel a bit more confident.

If you need help finding clothes to wear to court, charities such as Vinnies, Red Cross or Salvos may be able to help.

No hats or caps or sunglasses may be worn in the courtroom.

### ***“Who can come to court with me?”***

Anyone can come to court with you, but think about who will be helpful, calm and supportive.

Don't bring children unless you really have to. Court will be long and boring for them and courts can be stressful places for anyone.

If children come into the courtroom they need to be quiet, so bring something quiet to keep them busy, such as a book or comic.

COVID-19 public health orders might affect the number of people allowed to enter the court. Check [here](#) for any new information concerning Covid-19 restrictions.

### ***“Can I check which court and room I’m in ahead of time?”***

You may be able to find out which courtroom you will be in here: [Search NSW court lists | Online Registry](#)

This court list doesn’t always give the exact courtroom. When you arrive at the court you can check the list displayed in the foyer or ask at the Court Registry.

### ***“English is not my first language - can I get an interpreter?”***

Local courts will provide you with a free interpreter if you need one. You need to contact the Court Registry (the office where some court staff sit) in advance to arrange this.

If you haven’t arranged an interpreter in advance, a small number of courts have interpreters on-site available to translate the most common local languages.

For example, Bankstown court has Arabic and Vietnamese interpreters. You can ask for an interpreter at the Court Registry.

If there is no interpreter at the court in your language, you will need to get your court appearance put off until another day. This is called an ‘**adjournment**’. You have to ask for this in the call-over court.

Your lawyer or the court officer will arrange an interpreter for your next day in court.

### ***“What are some other resources to look at before I go to court?”***

[Legal Aid NSW](#) fact sheets about going to court.

[Law Access NSW fact sheets](#) about driving offences and criminal offences

[Courts NSW](#) information about going to court.

[Aboriginal Legal Service NSW](#) information about getting help in court.

CRC's Court Support Scheme is funded by the Community Legal Centres Program administered by Legal Aid NSW