

Antippa Lawyers

since 1961

HOW DOES A VIRTUAL COURT WORK?

Foreword:

This brochure is a basic guide as to how to be a witness at a video-conference for a court or tribunal in Victoria.



VIDEO-CONFERENCING SOFTWARE PROGRAMME OR APPLICATION ('APP')

Download the programme 2 days before the hearing. Test that it works. It is better to use a headphones with a microphone.

GETTING READY

ANTIPPA LAWYERS or our appointed Barrister will be your Advocate and will present your matter to the court.

If you have signed an Affidavit, then you should read your Affidavit at least 5 times the day before the hearing and summarise your Affidavit. The dates are really important.



WHAT TO WEAR

The court is a formal place and you should dress to show respect. If you have any questions about what to wear, ask one of our friendly staff.

CHILDREN AT COURT

You should not bring a child to the court. Please make alternate arrangements.

PERSONAL SAFETY

Be careful what is behind you for your camera to see.

SUPPORTING YOU

You cannot have a support person with you whilst you are giving evidence or talking to the Court. The support person cannot talk to the Court for you.

WHAT TO BRING WITH YOU

- Your computer, with software loaded;
- A note pad;
- Pen;
- Your Affidavit and other documents;
- Bible or other Holy Book, if you will be swearing an oath to tell the truth;
- Glass of water – careful not to spill it.

Recording devices are not permitted in court-rooms without permission of the judge.

You cannot take photographs or record conversations.

Before entering the court-room, you should:

- Turn off electronic equipment, including mobile telephones,
- Remove hats and sunglasses, unless for medical or religious reasons.

Do not have any food or drink (apart from a glass of water). No chewing gum.

WAIT YOUR TURN

The court may have you wait in the 'waiting room' whilst the court deals with other people's matters first.

At the foot of the screen, click the 'mute' and video buttons to disable your microphone and camera. You should only have these on when you are talking.

INSIDE THE COURT-ROOM

Before you can begin to speak, the Court clerk will ask you to choose to take either an oath or an affirmation. An oath is you swear to tell the truth on the Bible or another type of Holy Book. An Affirmation is a solemn promise to tell the truth without the use of a type of Holy Book.

You may have to wait a long time before the court hears your matter. You should avoid talking or making any distracting noises in the court-room.



HOW THE COURT WILL BE CONDUCTED:

1. You must download Microsoft TEAMS.
2. Documents may be shown to you on MS TEAMS.
3. Even though you are at home, you must still get dressed properly.
4. You should have pen and paper with you.
5. You should have water with you in a glass.
6. You cannot eat or drink anything else.
7. The door must be closed.
8. You must be alone in the room. You should not be distracted by children or anyone else or by telephone.
9. You may be asked to show the Court your location for giving evidence and to confirm that you are alone.
10. You must ensure that there will be no interruptions or distractions for the duration of the video appearance at the hearing.
11. Switch devices to silent mode.
12. Do not place the Court on hold.
13. If you prefer to swear an oath, have a Bible (or other Holy Book) with you – so that the Court clerk can say the oath to you.
14. You cannot take notes at the same time as you are talking to the Court.

15. You cannot record the Court.
16. Have your Affidavits with you.
17. Have read your Affidavits and be ready to answer any questions about them. Printed affidavits should be placed face down on the surface in front of you and not turned over or read by you unless or until you are directed to do so.
If you only have electronic copies, the files should be placed on the desktop of your computer and not opened or read by you unless or until directed to do so.
18. Communicate with ANTIPPA LAWYERS by e-mail. You cannot communicate with us whilst you are giving evidence to the Court.
19. Have the device plugged in because video-conferencing will quickly deplete the battery.
20. If you are unable to give uninterrupted evidence, you should tell ANTIPPA LAWYERS as soon as practicable.
21. Where an objection is made and discussions are required in your absence, you may be asked to mute your computer or otherwise be virtually ejected from the meeting space and invited to re-join when the objection has been dealt with.

WHEN YOUR MATTER IS CALLED

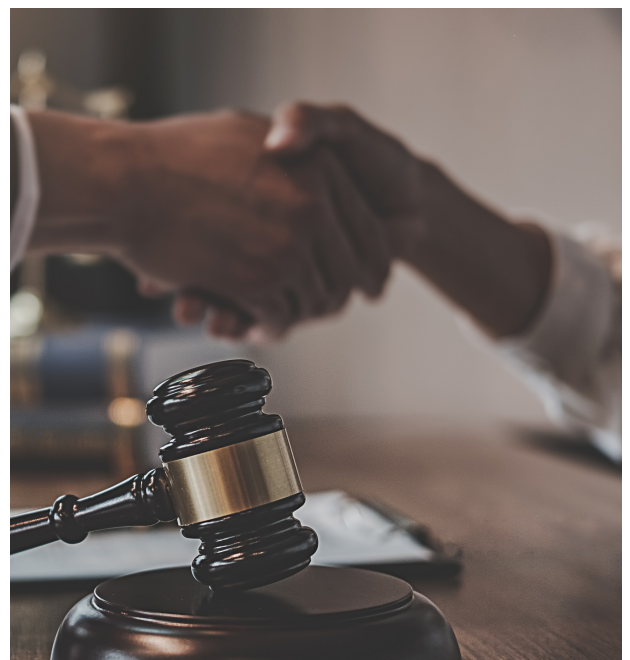
Your lawyer will argue your matter for you.

AT A FINAL HEARING

The Applicant calls witnesses, who may be cross-examined. Then the Respondent calls witnesses, who may be cross-examined.

SPEAKING TO THE JUDGE

You must be polite and courteous to everyone. At court, you should call the judge or magistrate: 'Your Honour' and a registrar as 'Registrar'. At VCAT, say: 'Sir' or 'Madam'.



CONDUCT OF A WITNESS

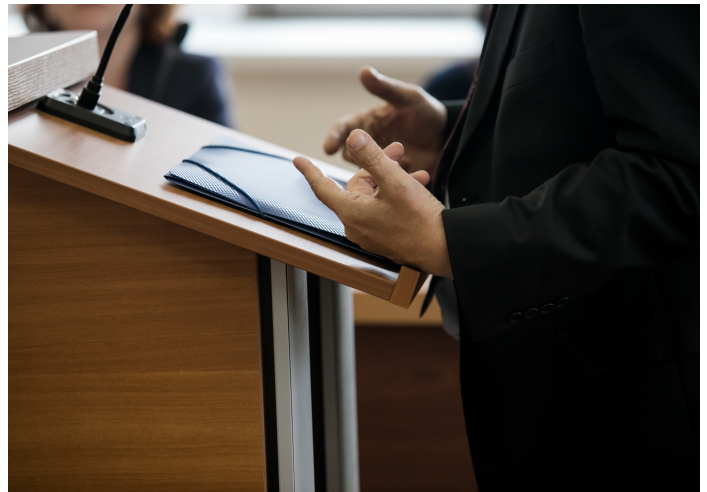
Speak clearly and politely to the judge. Do not:

- Reply to comments made by other people in the court-room;
- Point your finger or use abusive language or
- Raise your voice or shout.

The judge may ask questions or interrupt you. Listen very carefully to really understand what is being asked. Answer as clearly as you can. If the judge says that something is not relevant, move on to your next point.

You must not interrupt the judge or another person.

Remember, it is the judge who will make the decision. So, talk to the judge, not to the lawyers.



WHEN WILL THE DECISION BE MADE?

The court's decision may be announced on that day or you may have to return to court to hear the decision on another day.



WATCH VIDEOS:

<https://www.linkedin.com/pulse/solicitors-guide-virtual-hearing-using-microsoft-teams-fiona-mclay>

<https://www.youtube.com/watch?v=lvMst4ASyq0>

<https://victimsandwitnesses.opp.vic.gov.au/court-process/going-to-court>

FURTHER READING

<http://www.antippa.com.au>

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