What to Expect in Court

Preparing to be a witness

Take some time to think about what happened. Try to remember details like dates, times, who was there, and what was said.

Make notes and ask the lawyer working on the case if you can bring them along. If you have already made a statement to the police or in court, ask to look at it to refresh your memory.
You should not talk about your evidence with anybody before or during the case other than the lawyer.

This does not mean you can't talk to a therapist or counsellor about the case if you need to. It can be hard to hear and talk about violence or abuse.

Who will be in the courtroom?

In **Family Court,** there will be a judge, a court clerk, the people involved in the case (called the parties), and their lawyers.

Each person involved in the case may have a lawyer, but there is no automatic right to a lawyer. If a person can't afford one and doesn't qualify for Legal Aid, they may represent themselves. A lawyer will sit with their client.

Witnesses will wait outside the courtroom until they are called to give evidence.

Family Court cases are not open to the public or media.

In **Provincial Court**, there will also be a Sheriff, who is responsible for the security of the courtroom. They may sit close to the accused.

The Crown Attorney is the lawyer who represents the government and presents the case against the accused. They are also called the "*Crown*" or "*Crown prosecutor.*"

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The accused will be in the courtroom and sit off to the side with the sheriff, usually away from other people in the courtroom.

Members of the public and media may be present, but cameras, television cameras, or recorders may not be used in the courtroom unless the judge gives permission.

How questioning works

Only the judge and lawyers can question witnesses. If one of the parties does not have a lawyer and is representing themselves, they may also ask questions. They can only ask questions when it is their turn.

When a lawyer asks their own witness questions, they will ask open-ended questions. Examples are: “What happened that day?” or “What did the accused do next?” This is called **direct examination**.

When a lawyer questions an opposing witness (a witness for the other side), their questions will be worded to limit how much a witness can say. This might mean asking questions that have “yes or no” answers. They might also try to get a witness to admit they made a mistake or aren’t sure about the evidence. This is called **cross-examination**.

When it is your turn to testify

Go to the front of the courtroom and sit in the witness box.

The court clerk will ask you to promise to tell the truth. You'll be asked for your name and address. If you are afraid to give out your name and address, the judge may allow you to give a general address or no address.

During questioning, you may be asked questions that are personal or embarrassing, but you must answer them. You can ask to take a short break if you need to.
If you refuse to answer the judge's questions, you can be found in contempt of court fined. The law says you could go to jail for 90 days, but this does not happen often.

The other party or accused will be in the courtroom. If it is hard to look at them, you can look at the judge, lawyers, or court clerk. If the accused or anyone else makes intimidating or threatening gestures, tell a lawyer, Sheriff, or judge.

You can ask for a question to be repeated or worded differently if you don't understand. Don't answer a question if the judge tells you not to.