



Justice
Court Services

Office of the Sheriff Procedure Guide

Working in Civil Courts



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Document information

Overview

The procedure guide refers to processes that are unique to the civil jurisdiction and does not cover general information that is relevant to both criminal and civil jurisdictions.

Target audience

This document is written for all Court and Sheriff Officers servicing the District and Supreme Courts of NSW.

Version history

No.	Date	Notes
1.0	March 2019	New Procedure Guide

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Introduction to Working in Civil Courts

Objective

This section is intended to provide background information that is necessary to understand the process of working in a civil jurisdiction.

The procedure guide only refers to processes that are unique to the civil jurisdiction and does not cover general information that is relevant to both criminal and civil jurisdictions.

Key terms

The following terms are commonly used when discussing (topic name):

Term	Definition
Appearance sheet	Is the document used to record the legal parties present in a matter. The appearance sheet is also commonly known as the Court List or Bench Sheet.
Civil Jurisdiction	Hears legal disputes of a non-criminal nature
Civil Registry	Is the administrative team that supports the Civil Courts and can be accessed to obtain Court lists, subpoena's etc.
Plaintiff/Applicant	Is the person who brings the Court proceedings
Defendant/ Respondent	A person or body that defends or responds to a Court proceeding
Oath	Is when a witness swears to God that their evidence will be truthful.
Affirmation	Is when a witness makes a solemn declaration that their evidence will be truthful.

Are all civil proceedings heard by a jury?

Very few civil proceeding involves the use of a jury. Ordinarily matters are determined by a Magistrate or Judge and juries are only utilised 1-2 times annually.

Features of a civil trial?

- All trials are heard by a jury of four
 - The burden of proof is on the balance of probabilities.
 - Each party has two peremptory challenges each
 - The remainder of the empanelment process is consistent with practice observed in the criminal jurisdiction.
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Process 1: Obtain and Display Registry Paperwork

Objective Provides guidance for officers in obtaining the appropriate documents for a civil matter.

What information should be obtained from the Registry?

At least thirty minutes prior to the commencement of proceedings the Officer should attend the Registry and obtain the following documents :

- The Court lists
- The subpoena lists
- Any subpoena's as instructed the Judges Associate

The Officer should then:

- display the entire daily Civil Court list in the foyer or lobby area of the Court House
- display the individualised Court list reflecting the proceedings occurring in each Court room on a Noticeboard adjacent to each Court.
- keep subpoenas in the court room for the duration of the matter. Upon finalisation of the court proceeding they are to be returned to the civil registry.



The Officer is not to provide any parties with any documents without the prior approval of the presiding judicial official.

Process 2: Liaise with Associate and Court preparation

Objective Provides guidance for officers in seeking instruction from the Judges Associate and preparing the Court for the day's proceedings.

What should be done prior to Court commencing? The Officer should establish contact with the Judges Associate before the commencement of proceedings. It is important to liaise with the Associate to :

- Introduce yourself as the allocated Court Officer
- Confirm whether the Judge has any additional requests or needs (including technology)
- Confirm whether the Judge would like any additional paperwork provided to his/her Honour (e.g. Court Files)
- Confirm what time proceedings are likely to commence.

Process 3: Recording the Appearances

Objective Provides guidance for officers in the recording of appearances of plaintiffs and respondents involved in civil matters

How do I record the appearances?

The Officer should establish contact with the plaintiffs and respondents in civil matters and record their appearances (their names and who they appear for).

Utilising the Court list provided by the Civil Registry (also sometimes referred to as the Bench list and Appearance list) the Officer is to record the full names of each interested party and their role. If a party is appearing for themselves “self” should be recorded.

The completed Court list with noted appearances is to then be photocopied four (4) times. The Officer should retain a copy and distribute the remaining copies to:

- the Judges Associate
- the Judicial Bench (original copy)
- the Court Monitor (if present)



In matters where a Court Monitor is not present and proceedings are remotely recorded by RSB, the Officer should enter the appearances digitally on the RSB Note Pad/Chat Box in Court.

In the event appearances cannot be entered on the Note Pad/ Chat Box, Offices are to fax the appearances to RSB (8238 9288).

Process 4: Court Etiquette

Objective Provides guidance for officers in good practises and appropriate conduct.

What is good practise? All Officers should observe the following recommendations for court etiquette and practise:

- Prior to attending Court an Officer should review that their uniform and grooming is presentable and appropriate for a judicial setting.
 - Judges are to be referred to as Judge or your Honour.
 - Defence Counsel is to be referred to as Mr or Mrs Surname.
 - All judges are to be “knocked on” (3 knocks) after the Associate at their desk position
 - Officers and all persons present are not permitted to eat, chew gum or consume hot beverages in Court.
 - Officers are to maintain good posture and remain alert during proceedings.
 - Officers are permitted to have their mobile telephone in Court provided it is set to silent. Officers are permitted their mobile telephones so they can be contacted in the event of an emergency and are not to utilise devices for web browsing, social media, games or calls whilst Court is sitting.
 - Officers are to ensure Court rooms are locked when unattended including adjournments. Should parties wish to remain in Court they should seek the approval of the Judge.
 - Officers are to attend Court at least 15 minutes prior to the listing to ensure the Court room is appropriately set up. Setting up the Court involves switching lights on, pulling the Judges Chair back from the Bench, setting up water carafes, provision of clean drinking glasses, general tidy of Court Room, checking functionality of technology systems, confirmation of arrangements with Judges Associate and confirming RSB ThinkPad is activated.
 - At the time a witness is called to give evidence, the Officer should confirm whether they wish to take an oath or an affirmation.
 - Ensure when a witness is being sworn that silence is observed,. Prior to administering the witnesses oath or affirmation state loudly “silence please”.
 - Officers are to respectfully bow to the Judge upon entering and exiting a Court room
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