

A CHECKLIST TO HELP YOU PREPARE FOR COURT

- Consider meeting with a lawyer to get some legal advice:**
(Remember that you can meet with a lawyer for a short time to discuss your case.)

Some ways to get legal advice are as follows:

- Contact Nova Scotia Legal Aid to find out if you qualify for their services:
 - ✓ Dartmouth Office at 420-8815
 - ✓ Halifax Office at 420-3450
- Contact Advice Counsel- Supreme Court (Family Division) at 424-5616
(Advice Counsel may be able to provide you with a free consultation.)
- Contact Legal Information Society of Nova Scotia (Lawyer Referral Service) at 455-3135 (They can refer you to a private lawyer for a half (½) hour of advice for \$20.00 + GST.)
- Contact ReachAbility at any of the following:
 - ✓ Tel/TTY at 429-5878
 - ✓ Toll Free/TTY at 1-(866)-429-5878
 - ✓ Fax at 429-5858
 - ✓ E-mail at info@reachability.org
 - ✓ Website at www.reachability.org(Free ½ hour consultation with a roster lawyer for qualified clients with a disability.)
- Contact your Employee Assistance Plan (E.A.P.).
Some Plans offer legal consultations or representation as part of their program.
Check with your employer.
- Check the Yellow Pages of the phone directory.
- Check the Nova Scotia Barristers' Society website at www.nsbs.ns.ca for a further list of practicing lawyers and the services they provide.

- Learn about the law that applies to your situation:**
- Refer to Public Legal Education publications.
 - Refer to pamphlets at the court.
 - Review Information and Guides for self-represented parties that are now available on the web at www.gov.ns.ca/just/selfhelp.htm and www.courts.ns.ca, however this information should not be viewed as a replacement for legal advice.

- A video is available at the Court entitled “Your Day in Court” which can help you to prepare for your court date. This video is designed to assist those who are not represented by legal counsel however it should not be viewed as a replacement for legal advice.
- The Family Law Information Centre (FLIC) is located at the Supreme Court (Family Division), 3380 Devonshire Avenue, Halifax, Nova Scotia. This Information Centre is designed to assist those who are not represented by legal counsel however it should not be viewed as a replacement for legal advice. Please contact the Court for hours of operation.
- Call Dial-A-Law at 420-1888 for free, recorded information.
- For Child Support Guidelines information, call the Public Legal Education Society at 455-3135 or 1-800-665-9779 or the Federal Department of Justice at 1-888-373-2222.

Organize and write down your thoughts:

- Why you are going to court?
- What are the issues?
- What is your position on each issue?
- What do you want the judge to order?

Prepare a detailed outline of what you think the judge needs to know to make a decision.

This is for your own use. You will not be able to give your notes to the judge. You will not be able to simply read a statement to the judge. If you forget what you want to say, you may ask the judge if you can refer to your notes that you have prepared to help your memory. Remember that you will have to give all your evidence while under oath, so that the other side can ask you questions.

For each fact that you want the judge to know, think about how to get your information to the judge:

- You can give evidence,
- a witness can give evidence, or
- bring documents or other important evidence to court to show the judge.

Example:

You want the judge to know you attended a parenting course. You could:

- 1) tell the judge yourself,
- 2) ask the instructor to come and tell the judge, or
- 3) bring a copy of the certificate that says that you attended.

- Do you have everything you need to support your position?**

Keep in mind that you have to show evidence to support your case. For example, if you are telling the judge that you are going to be laid off in two weeks, have a letter from your employer to support that or have your employer come to court. The judge will not telephone anyone. If you want the evidence to be considered by the judge, you will have to bring it that day.

 - Gather all other documents that you want the judge to see.
Some examples are:
 - ✓ Pay stubs
 - ✓ Income tax returns for the past three years
 - ✓ Notices of Assessment for the past three years
 - ✓ Letters from employer
 - ✓ Letter from child’s school, doctor, etc.
 - ✓ Certificates from parenting courses
 - Make three copies of all documents you want the judge to see.
(One for you, one for the other side, one for the judge.)

- Decide if you should have witnesses.**

Only bring those who can give relevant evidence that they know first hand. If you are bringing a letter from someone, you may be required to bring that person to court.

 - Prepare questions to ask you witnesses when in court.
 - When preparing your questions, refer to your outline to make sure you have covered all the information you want each witness to tell the judge.

- Arrange to subpoena witnesses.**

Those who will not willingly come can be “subpoenaed” and made to come. Keep in mind that this should be arranged well in advance. (For a definition of subpoena, refer to the Court Assistance Handout “Common Legal Terms and Definitions”) If you are going to use subpoenas you will need to:

 - Contact a court staff person to obtain the handout “Using a Subpoena in the Supreme Court Family Division”. It will guide you through the subpoena process.

- Think about what you expect the other side will say:**
 - Prepare questions to ask the other side and their witnesses.
 - Think about your responses to things the other side is going to say.

- Start to prepare you closing statement before you go to court.**

A closing statement does not give evidence or tell the judge anything new. Instead, it highlights and summarizes your case.

 - Summarize your important evidence and how it supports your position.

- Gather all the Court documents to bring with you.**

These include:

- ✓ Parenting Statement
 - ✓ Statement of Guidelines Income
 - ✓ Statement of Expenses
 - ✓ Statement of Special or Extraordinary Expenses
 - ✓ Statement of Undue Hardship Circumstances
 - ✓ Statement of Property
 - ✓ Affidavits
 - ✓ Anything you have filed with the Court or the other side has filed with the Court.
- Organize your documents so that you know where to put your hands on them when in court.
- If your personal safety is a concern during the time you are in court, contact court staff in advance.**
- If possible, observe a trial so that you know what to expect.**
Remember that in the Family Division most trials are open to the public.
- Bring paper and a pen.**
Be prepared to make notes about what the other side says, jot down questions as they occur to you, make notes to add to your closing statement, and write down the judge's decision, if given that day. Throughout the hearing, review your outline to confirm that everything you want the judge to know has come out.

While this checklist can help you prepare for court, it does not replace legal advice. We recommend that you get legal advice.