



The way a courtroom operates may be new to you. Judges and judicial justices make important decisions affecting people's lives. The procedures and conduct in a courtroom help everyone involved in a court case listen and concentrate on the information presented.

Canadian courtrooms do not operate like the ones you see in the media. For example, our judges do not use gavels.

## **What everyone going to court should know**

This information is helpful for everyone attending court, whether you are watching or participating in a case in a courtroom.

### **Dressing for court**

When you go to court:

- Dress neatly in clothing that is appropriate for an office workplace or a job interview
- Do not wear shorts, tank tops or sandals
- Do not wear clothes with disrespectful pictures or slogans
- Remove sunglasses, chewing gum, and baseball caps or other hats before going into a courtroom (except for religious headwear)

Judges generally wear black robes with red bands in the courtroom. They wear a black jacket with white tabbed collar for conferences.

Judicial justices wear black robes and may have green bands. They may also wear a black jacket with white tabbed collar.

Judicial case managers, who have authority in some pre-trial court appearances such as initial appearance and assignment courtrooms, wear business clothes.

Lawyers wear business clothes too. They do not wear black gowns in Provincial Court.

## **Food and drink**

Leave food and drinks outside a courtroom, except for water.

## **Orders to come to court**

A summons or subpoena is a court order that requires someone to go to court at a specific time and place. It may also require that the person brings documents or other evidence to court. The person must remain in court until they are excused by the judge or justice. If the person does not attend, they may be arrested.

If the person does not think they have any material evidence to give, or believes that issuing a subpoena was an abuse of process, they may apply to the Court to set the subpoena aside.

## **Be on time**

Arrive early, go into the courtroom when it opens and stay there until your case or name is called. If the courtroom is full, wait right outside it so you will hear your name called. Do not interrupt to try and have your matter heard ahead of others. If you are late or need to leave for any reason you can let the sheriff in the courtroom know so the sheriff can pass on that information at an appropriate time. If there is no sheriff, let the court clerk know.

## **Finding a courtroom**

A daily court list is published for small claims and criminal court matters. It lists those types of cases that will be heard in each courthouse in BC. You can find it online and posted outside courtrooms. Use the list to find out the time and courtroom for your case.

[Daily court list \(Government of BC\)](#)

## **Using cell phones and other electronic devices**

People are welcome to watch most courtroom proceedings. But members of the public may not use electronic devices of any sort to transmit or receive text, audio or video record or photograph any court proceedings.

Electronic devices include smartphones, cell phones, computers, laptops, tablets, notebooks,

personal digital assistants, Google glasses and similar devices. It is best to put the device on silent mode before entering a courtroom.

Lawyers and accredited journalists are permitted to use some devices for limited purposes.

[Use of Electronic Devices in Courtrooms](#)

## **Quiet while watching court proceedings**

It is important to remain quiet while watching court proceedings. The judge and participants need to hear one another clearly and be able to concentrate on what is being said. Whispering and other noise can interfere with this and be very distracting. It can also interfere with the court's audio recording of the proceedings.

## **Standing when the judge enters**

The judge will enter and leave the courtroom from a door near the bench.

When the judge enters, the court clerk will say "All rise" and everyone in the courtroom must stand unless they have mobility issues. People also stand when the judge leaves the courtroom. This custom shows respect for our justice system and the role our courts play in resolving disputes according to the Rule of Law.

You also stand when you speak and when the judge speaks to you.

## **What parties in a court case should know**

This information will help if you are taking part in a trial or any other proceeding.

## **How a case is called**

Cases are called (begin) when the court clerk or someone else calls out the names of the parties in a family or small claims case or the accused person in a criminal case. When a case is called, the parties walk forward and stand in the open area in front of the counsel table. If they have a lawyer, their lawyer stands beside them. If an accused is in custody the sheriffs will show them where to stand.

## **Introducing yourself or your client**

Lawyers will introduce themselves and the parties to the judge. The Court has issued a Notice

to clarify how parties and lawyers can tell judicial officers and others about the pronouns and form of address they use.

For example, a lawyer might say:

“My name is Ms. Jane Lee, spelled L-E-E. I use she/her pronouns. I am the lawyer for Mx. Joe Carter who uses they/them pronouns”.

If you do not have a lawyer, you need to introduce yourself.

[Notice 24 Form of Address for Parties and Lawyers](#)

## **What you call a judge, judicial justice, judicial case manager, sheriff or court clerk**

When you speak to a Provincial Court judge in court, call them "Your Honour". (Outside court, they are addressed as Judge, followed by their surname, for example, Judge Smith.)

Call a judicial justice or a judicial case manager “Your Worship” in court.

If you are not sure what type of judicial officer is presiding in your case and what to call them, you could ask a duty counsel lawyer or court staff.

The BC Court Services Branch has asked that you say “Deputy Sheriff” and “Court Clerk” when you speak to a sheriff or a clerk.

[Notice 02 Form of Address for Judicial Justices](#)

## **Approaching the bench is not permitted**

In BC courts, no one may walk behind the court clerk’s desk or stand near the judge’s bench. In Canadian courts, no one “approaches the bench” for a “sidebar”. That is an American custom.

Never give a document or an exhibit directly to a witness or the judge. Tell the person you would like them to look at a document or item and pass it to the court clerk.

## **Witnesses wait outside the courtroom**

Ordinarily, at the start of a trial the judge will make an "order excluding witnesses". This means anyone who will be testifying in the trial, except for the parties in the case, must leave the courtroom and wait outside until they are called to testify.

# Testifying as a witness

When a witness testifies in a hearing or trial, they are first asked to step into the witness box. They stand while swearing an oath or making a solemn affirmation to tell the truth. The judge will often then invite the witness to sit if they wish, or tell them they may sit or stand during their testimony.

## When to sit or stand

For shorter matters, participants usually remain standing behind the counsel table while the judge deals with their case. If standing is difficult for you due to a medical condition or mobility challenge, tell the judge and ask to sit.

For trials, hearings and other longer matters, the judge will invite everyone to sit at the counsel table at the front of the courtroom after introductions are made. When lawyers are involved, they sit beside their clients.

## Speaking in court

The people involved in a court case are called litigants. Litigants and lawyers should wait their turn and not interrupt. It is difficult for the judge to understand, and for the recording system to capture, two people speaking at the same time.

Litigants who are representing themselves and lawyers should stand to let the judge know they wish to speak and wait until the judge acknowledges them before speaking. They should sit when the other side is speaking.

Everything said in court is recorded. If a participant is standing far from the counsel table, the judge or clerk may ask them to speak louder or to move closer so a microphone can pick up their voice.

If you have questions for a lawyer or the other party, ask the judge. Do not talk directly to Crown counsel, another lawyer or a party when the judge is present. For example, if you want to know the name of the next Crown witness ask, "Your Honour, could Crown counsel tell me the name of the next witness?"

Do not:

- Use swear words or offensive language unless it is a direct quote from the evidence and necessary for your submission
- Make facial expressions or gestures in response to things said during a trial. It can be

distracting. Tell your supporters not to do this

- Argue with the judge's decision once it is made. You can look into appealing the decision after the trial is over

## Self-represented litigants

People appearing in court without a lawyer are sometimes called “self-represented litigants”. Judges can give self-represented litigants basic information, such as:

- Court procedures
- The type of evidence that can be presented
- The form of questioning that is permitted

Judges cannot give self-represented litigants legal advice. Judges must be fair to all parties.

Judges must follow the rules of court and the law. In some types of cases, they have some flexibility to adapt procedures to meet the needs of the parties. Procedures in criminal trials are generally not flexible. A judge may be able to use simplified procedures in small claims and family court trials, especially if neither party has a lawyer.

[Representing Yourself \(Justice Education Society\)](#)

[Guides for self-represented litigants \(Canadian Judicial Council\)](#)

## Finding a lawyer or getting legal advice

Information about getting a lawyer and how to get legal advice and legal assistance.



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