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Rural Law Center of New York, Inc.

PREPARING FOR COURT IN NEW YORK STATE

When you have to go to court, it can seem complicated and frightening. You already are in the process of trying to solve an important matter in your life and if you are not prepared for what you will encounter in court, things become all that much more difficult. This guide is provided to give you some useful information and tips that can help you make this process a bit easier. Every time we encounter something new, it seems confusing at first, but once we understand how things work, we are more comfortable. What follows here is some general information that will help you prepare for any kind of court appearance. At the end you'll find definitions for some legal terms that you might see or hear. Although there is no requirement that you have a lawyer to go to court, we strongly encourage you to meet with a lawyer if at all possible so that you will know your legal rights and understand all your legal options.

What do I do with the papers I get from the Court?

Before you go to court, be sure to read over all the documents that you and the other side have submitted. You want to be sure you understand everything so you will be prepared.

What do I do with papers I want to submit to the Court?

Any documents submitted by either side (this could be a petition or notice of a hearing or an answer to a petition) must be shared with all parties. Make several copies of anything you file and deliver them to the court, to the other party (or their attorney, if they have one) and, in the case of a matter regarding children, to the Law Guardian. Usually it is your responsibility to do this, not the court's. Be sure to keep copies of everything for yourself, too.

What do I bring to Court?

You should bring your copies of all the papers that have been filed. Also, bring anything else that you want the judge to see, with extra copies. It's a good idea to get a folder that you can bring everything in and arrange it in a way that you can easily find everything.

Do I need to bring Witnesses?

If you think that someone could help in your case (agency worker, doctor, etc.), you should ask them to attend. Check with the court clerk to see if you need to provide the names in advance to the Court and the other party. If you decide to use witnesses, you will be asking them questions in court. Be sure to write out all your questions in advance and go over them with the witness.

What will I have to say in Court?

You should be prepared to explain your side of the case. It would be a good idea to list the main points you want to make. Bring your list and a brief summary of your side with you in your folder.

What should I wear to Court?

It's very important to wear the right type of clothing to Court. Court is like a business environment. Dress as if you are going to an important job interview or going to church. Clothes should be clean and neat and not be too revealing. You want to make an impression that shows you take this matter seriously and you respect the judge and the court process. Avoid t-shirts, tank tops, jeans, shorts and flip-flops. Once inside the courtroom, be sure to remove hats or caps. Head coverings worn for religious purposes are, of course, allowed.

What if I have special needs?

If you need any special accommodations because of a disability or the need for an interpreter, be sure to let the court clerk know well ahead of time. That way the court will be prepared for speech or hearing disabilities, handicap accessibility, or language barriers.

When should I arrive at Court?

You should arrange to be in the Courthouse at least 30 minutes before your scheduled appearance. Be sure to take into consideration the time it will take you to get there, to find parking, to go through security and to arrive at the assigned courtroom. If you are not there when your case is called. The judge may make a decision without hearing your side, or may dismiss the case altogether.

What about Court Security?

When you enter a courthouse, you should expect to pass through a metal detector. You may also be asked to leave cell phones or other electronic equipment. With this in mind, it's good to plan to be in the courthouse without metals (like belt-buckles, metal-toed shoes or electronics).

Can I bring my children to court?

Do not bring children to court unless you are specifically asked to do so by the judge.

How long will I have to wait?

This depends on the judge's calendar for the day. Some cases take longer than others. Some cases take less time and they may be heard first. It's a good idea to plan to be in court the whole day.

What happens if the other party doesn't come to court?

If the person who brought the case doesn't appear, the judge may dismiss the case. If the person who is responding doesn't appear, the judge may find them in default and decide for the other party.

What happens when I'm in the courtroom?

You will be told where to sit. When it is your time to speak, you must address the judge as "Your Honor". Speak only when it is your turn and speak to the judge. This is your opportunity to let the Court know about your side of the issue. Make use of the list and outline you prepared ahead of time. Do not interrupt the other party and do not speak to the other party directly.

What happens when it's over?

After both parties have presented their cases, the judge or the jury will make a decision. Sometimes the judge waits to make a decision. In that case, you will receive it in the mail.