**Assessment 2 - Court Visit & Report**

**Length:** 2000 words

**Due Date:** End of Week 9

**Weighting:** 30%

**Aim**

The aim of the court report is to get you out of the classroom and into the courtroom to see how the law works in practice! We would like you to visit a court to observe proceedings for a couple of hours and then write a report on your visit.

**Planning your court visit**

It is important to have an understanding of the court system before you embark on your visit. Therefore, please complete the required reading for Week 1 and 2 before visiting a court.

Your best chance of seeing a court case from beginning to end will be in the Local Court or District Court. Please be aware that there is no certainty that the magistrate or judge will reach a decision while you are in court and we do not expect you to stay until a decision is reached. A couple of hours observing proceedings should be sufficient to gain enough understanding of the matter to write your Report.

If you find yourself in the middle of a lengthy trial, you may find it more interesting to visit another court. Also, if you find yourself in a list court where matters are quickly mentioned, it may be more useful to move to another court as you may not gather sufficient information to complete the required Report.

Although you may wish to visit court with other students, you must submit your own written work.

For locations of Local Courts, please refer to the following link:

<http://www.localcourt.lawlink.nsw.gov.au/localcourts/court_locations.html>

District Court: Sydney

Downing Centre 143-147 Liverpool Street
(corner of Liverpool and Elizabeth Streets, above Museum Station)

The District Court also sits at 225 Macquarie Street and in Parramatta, Liverpool and Penrith.

Supreme Court

Law Courts Building, Queens Square (Phillip Street, near University of Sydney Law School). You may be interested in hearing Bail Applications in the Supreme Court (ask the front desk of the Supreme Court for directions)

**Visiting the Court**

There is no need to dress formally when you attend court, but you should dress neatly and you should remember that smoking, drinking and eating are not permitted in court. Nor is it permissible to take any type of electronic recording device into a courtroom.

When you arrive at the court you may wish to introduce yourself to a court officer. Explain that you are a student and that you have the task of observing and reporting on a court case. You should ask the Court Officer whether the taking of notes is permitted. The Court Officer may also be helpful in providing information concerning the case being heard.

As you enter and leave the courtroom while the court is in session, you should stop, face the bench and bow. When the magistrate or judge enters and leaves the courtroom, you should stand up. The magistrate or judge will then bow to those present in the courtroom. It is a mark of respect by those present to bow back.

**The structure of your report**

**A) Background details**

State precisely:

* name of the court visited
* date of the visit
* name of the case
* name of presiding judge or magistrate
* subject matter of the case, and whether it was a civil or criminal matter
* whether the parties were represented and by whom- private solicitors or barristers, the DPP or Legal Aid.

These facts can be stated in point form. These background details are necessary so that the reader of your report can build up an accurate picture of the setting about which you are reporting. Your reader will be able to understand the rest of your report better if they begin with a clear picture of the setting. Some details about the cases being heard will be posted on a notice board in the court foyer or, as stated previously, you can often find out such information from the Court Officer.

**B) The court proceedings**

 This section is to be the body of the Report. We ask that you discuss your interpretation of the roles that participants were playing in the courtroom, the kinds of interactions between them, the evidence and the way in which it was presented. It is important to discuss the role of the judge or magistrate, lawyers and parties to the proceedings and any others worth commenting on in some detail. These details can include the extent the presiding officer played an active part, the degree of formality or informality in the proceedings, the degree of hostility or otherwise between the participants, some details of the evidence and the way in which evidence was presented.

 If a final decision was reached in the case, then explain the outcome and any reasons given for the decision. As previously explained, not all cases will come to a conclusion in the time you have available to observe proceedings. In these cases, from what you have observed, what do you think will be the likely conclusion of the case? In discussing the outcome or likely outcome of the case, comment on whether you agree with the decision or what you think may be the decision. Give reasons why you agree or disagree.

Comment on the court process and how it was similar or different from your expectations. Does the court process you observed and the outcome of the case (if you were present when the case came to a conclusion) accord with your notions of “justice”? Explain your views.

Other questions you should answer are as follows:

* What was the most interesting part of your visit? Why?
* Is there anything about what you observed that would cause you to want to settle a case or to pursue it fully to trial? What and why?
* What was your overall impression of your Court visit and what did you learn from your visit?

**C) The Law**

Parties bringing cases to court argue that there has been a breach of the law. In the case you observed, name a statute or case that was relied on or relates to your case. Cite the case or statute and give brief details about how it relates to your case. If you were unable to pick up any mention of a case or statute when you were observing proceedings, state this and attempt to find a case or statue that you think is relevant to your case. Justify why you think the case or statue is relevant.