



FIRST INTERNATIONAL

DEBT COLLECTION

PREPARE FOR COURT



PRE-TRIAL CONFERENCE

No witnesses are permitted at the pre-trial conference. Ensure that you are well rehearsed with your preamble. Bring all your documentation just in case you need to reveal a pertinent fact to convince the defendant of the weakness of his/her stance. In the event that no resolution is reached the registrar may then list the case for a Listings Conference before a magistrate.

LISTING CONFERENCE

Both plaintiff and defendant must attend unless represented by a lawyer. If the matter relates to monies under \$10,000 then no lawyer can be involved. Should either party fail to attend then summary judgement may be sought

SUMMONS YOUR WITNESSES

Within 14 days of the trial, lodge a Form 46 to ensure your witnesses will be present for you in court

FACING THE MAGISTRATE

- Dress to impress
- Bring all your documentation (invoices, emails, faxes, demand letters, credit application, agreement, diary, etc.) We recommend that you place post-it stickers to all pages marking them clearly for immediate reference.
- Switch off your mobile phone.
- Your witnesses may be directed to wait outside
- Do not speak in a derogatory manner of the defendant or the witnesses merely state the facts.
- Don't speak unless asked by the magistrate - nor interrupt as this is considered contempt of Court.
 - Address the magistrate as 'Your Worship' (or by default 'Sir'/'Madam')
 - Stand when spoken to or when presenting your case.
 - Speak only to the magistrate except when questioning is permitted.
- While the Defendant is speaking - do not react nor interject, gesture or use head movements. Remain calm and composed.
 - You, as claimant will be able to present your case first. Make it clear and precise.
 - The Defendant will be able to ask questions and cross examine your witnesses.
- Once the Defendant has presented his/her side, you are then given the opportunity to cross examine the Defendant and his/her witnesses.
 - Both parties will have a chance to summarise, after which the magistrate will then make a decision.

