

10 Bits of Legal Jargon Used in Court

Going to court can seem like a minefield to many – when to stand, when to sit and when to bow, how to speak to the magistrate or judge, where to speak from, what to call them, what to say – the list goes on.

Adding to the confusion is legal jargon used by prosecutors, defence lawyers and whoever that person is that decides the case.

While plain English is often the best approach, it can help those who are going to court to know some of the most common terms used inside courts like the Downing Centre.

Here are some of the top ones, so you can look like a pro – or at least understand what everyone is going on about.

‘Court list’

This is the list of cases that will be heard in court on any particular day.

The Downing Centre Local court list is printed and posted on Level 4, and contains all the matters that will be heard, along with the courtroom they will be heard in.

The District Court lists are also printed and posted daily.

1. ‘Standing a matter in the list’

This is a handy thing to do if you can’t have your matter heard straight away – because you are waiting for a witness, a document, or maybe even your lawyer!

Asking for a matter to be “stood” or “held” in the list means that you would like your case heard later in the day.

Prosecutors, criminal defence lawyers and unrepresented defendants can all request that the case stands a matter in the list.

2. Magistrate, judge or registrar?

Many people use the terms interchangeably, or use the term 'judge' to refer to all judicial officers of any court.

The difference is simple: in the local court, the judicial officer is a magistrate, and in the district court, the judicial officer is a judge.

Sometimes, the person in court will be neither a magistrate nor judge, but someone called a 'registrar' – who sorts out cases, decides upon adjournment applications, and undertakes other administrative duties in order to take some of the pressure off magistrates or judges.

When speaking to a Magistrate or Judge, you should address them as "Your Honour", and a Registrar should simply be address as "Registrar".

In Downing Centre Local Court, the Registrar sits in courtroom 4.4 – which is often where your matter will be listed on the first court date.

3. 'My friend'

If you hear a lawyer and a prosecutor referring to each other as "my friend" at the bar table, this doesn't mean that they are golfing buddies on the weekend.

Rather, this is a term used by all lawyers and prosecutors when they refer to one another. The tradition originated from a time when there were few lawyers who would indeed all know each other.

4. 'Adjournment'

This is when the court proceedings are postponed until a later date.

An adjournment application can be made by either the defence or prosecution for a range of reasons – to receive legal advice, to await the service of materials, to obtain a medical report, to complete counselling or a program like the Traffic Offender Program or Magistrates Early Referral into Treatment program ('MERIT'), to prepare for a sentencing hearing, and so on.

5. 'Brief service orders'

If a lawyer requests 'brief service orders', they are asking for the judge or magistrate to order the prosecution to give all of the statements and other materials to the defence by a certain date.

Brief service order will ordinarily be made on the first court date if the defendant indicates a plea of not guilty, and the prosecution will ordinarily be ordered to serve the materials within 4 weeks. A further court date will normally be set 6 weeks away, to allow the defence to go through those materials and either confirm the not guilty plea, or enter a guilty plea.

The term 'serve' means to deliver the materials according to methods set out in the court rules – which usually require hand delivery – although the defence may agree to accept service by a less formal method, such as via email or fax.

6. 'Interim order'

This is an order made by the court which will stay in force just until the next court date.

An example of an interim order is where the defendant in an [Apprehended Violence Order \(AVO\)](#) case is required to comply with AVO conditions until the next court date, or a defendant

who faces criminal charges complying with bail conditions.

7. 'Listing advice'

A [local court listing advice](#) is a form that is usually available on the bar table inside the courtroom, which the defence is required to fill out and hand up to the court if the case is being set down for a defended hearing. The defence is required to specify a range of matters: including which prosecution witnesses they require to attend the hearing, the estimated time for the hearing, and whether or not audio-visual facilities are required.

8. 'Representations'

Criminal defence lawyers often write a detailed letter to the prosecution in order to persuade them to drop all or some of the charges. This letter is called 'representations'.

9. 'Pre-Sentence Report'

A pre-sentence report (or 'PSR') may be ordered by the magistrate or judge after you plead guilty or are found guilty. The report contains background information about you, and says whether you are eligible and suitable for alternatives to imprisonment; such as a good behaviour bond or community service order.

PSR's are normally ordered if the court is contemplating sending you to prison. However, defence lawyers will sometimes ask the court to order a PSR if they feel it will assist you in court.

In either case, you will need to report to your nearest [Probation and Parole Services](#) for assessment.

10. 'Non Conviction Orders'

If the court grants a '[section 10 dismissal](#) or [conditional release order](#)', it means that a criminal conviction is not

recorded against your name even though you are guilty of an offence. You also escape a fine, licence disqualification and any other penalty – although a good behaviour bond can be imposed, and you may have to pay a small fee for court costs and a 'victims compensation levy'.

So if you are going to court, all the very best to you. We hope that your 'representations' are successful if you are pleading not guilty, or that you get a non conviction order if you are pleading guilty!