



## **The Attorney's Guide to Your First Day in Court**

You're getting ready for your first day in court—do you know what to expect and how to prepare? Depending on which type of case brings you to the courtroom, you could be in court for just a few minutes or you could be looking at spending several weeks in multiple hearings. By discussing the case thoroughly with your attorney and preparing for court well in advance, you can rest easy and head to the courtroom with confidence.

### **Tip #1: Arrive Early and with the Necessary Paperwork**

Schedule your day so you arrive to court well in advance of your scheduled hearing. Even if you're familiar with the area, you may face delays due to traffic, figuring out parking, and calming your nerves before stepping into the building. Arriving early gives you plenty of time to meet with your attorney, discuss potential settlement options, and even sit in on cases before yours so you know what to expect.

Make sure you consult with your attorney a few days before your court date so you know what you need to bring. While your attorney will likely have the vast majority of the paperwork you need, they may have last-minute documentation they want you to bring.

Avoid over-scheduling yourself on your first court date. If you spend your entire court date worrying about getting to work on time or fulfilling other obligations, you may struggle to focus on the hearing. The court docket may run behind schedule, so it's important to leave plenty of space in your schedule for potential delays.

### **Tip #2: Know What You Want to Get from the Case**

You should go into court knowing what you want and what you're willing to accept. Knowing exactly what you hope to get from court can make it easy to decide whether or not a settlement offer is a good fit for you. Try to remain flexible and listen to your lawyer's recommendations—circumstances may change, and you should be ready to change your expectations accordingly.

### **Tip #3: Listen to Your Attorney's Advice**

You may feel like you know how to handle your case best, particularly if it deals with an emotionally-charged issue. Remember, though, that your attorney has your best interests in mind. If they tell you to avoid communicating with specific people, to dress a certain way, or to behave a certain way in the courtroom, trust that they know what they're doing. They likely have experience with the judge assigned to your case and they know what will send the right message.

### **Tip #4: Be Respectful and Mature**

Being respectful in court goes a long way. Listen to everything the judge says, answer questions clearly and completely, make eye contact, and avoid interrupting them.

Make sure your body language remains appropriate as well. Appearing engaged and attentive sends just as clear of a message as being slouched over and looking bored.

## **What to Expect in Specific Cases**

### ***Criminal Cases***

The first time you appear in court in a criminal case is for your arraignment. Arraignments tend to be fairly short and straightforward—their main purpose is to determine whether or not the judge sets bail. If the judge does not set bail, then you are released on your promise that you'll return for your court date. This is known as “release on one's own recognizance.”

### ***Landlord-Tenant Cases***

In housing court, most cases eventually go before a judge—your case is not heard by a jury. Whether you are the tenant or landlord in the case, you must discuss the case with the other party and court personnel to find out if a resolution is possible. Resolving your case before going to a judge will save significant amounts of time and money.

If you settle, the judge will likely approve the Stipulation of Settlement. If you or the other party ask for more time, you will receive an adjournment and be allowed to come back on another day. If a resolution cannot be reached on the initial court date, eventually a trial judge will hear both sides of the case, examine the evidence, and make a decision regarding your housing case.

## ***Civil or Commercial Litigation***

Civil and commercial litigation cases vary widely in terms of how long they last, how much time you spend in court, and potential outcomes. For instance, there will likely be several court dates attended only by the attorneys to resolve issues related to discovery. Immediately prior to any court date, your lawyer and the opposing counsel may meet to discuss a settlement. Reaching a settlement at any point before you go to trial can often be beneficial to both sides and prevent a cost and lengthy court battle.

If no settlement is reached and court proceedings begin, the first day typically involves each side giving an opening argument. Either side may request a continuance, which may delay proceedings. Cases that have little evidence or involve minimal property value may be resolved in one day, but many civil and commercial litigation trials last days or even weeks.

## ***Probate Court***

After a loved one dies, the Surrogate's Court determines what happens to the decedent's property. If you appear in court as the person's executor or representative, your court date could go three ways.

1. If your loved one has less than \$30,000 of personal property, you may go to court to file for a voluntary administration.
2. If the decedent has a Will, the Will must go through probate court before assets can be distributed.
3. If there is no Will, you may go to court to file for administration. At that point, property is distributed as required under New York law.

## ***Family Court***

Preparing for your first day in family court may be one of the most emotionally challenging things you ever do. Divorce and custody are very emotional topics, so make sure you give yourself extra time to prepare yourself mentally.

When you arrive at court, the judge will review the filing and ensure that both parties' positions remain the same. From there, they ask questions and look into the available evidence and documentation. Cases can end very quickly if both parties agree on terms

or have little property to divide, or they may stretch across multiple days if the case is contentious and both parties are unwilling to compromise.

## **Contact Us Today**

Going to court is undoubtedly stressful, but you can minimize your anxiety by preparing ahead of time and choosing a lawyer you can trust. If you show up with the right documentation, calm your nerves, and listen to your attorney's recommendations, you give yourself a solid chance at a smooth, straightforward hearing. To get more specific advice regarding your case, [contact the team at Drucker & Mattia, PLLC](#). You can call us at 718-458-2312, and we'll schedule a free consultation to help you decide your next step.