



# legal chat

with Robert Brown  
solicitor with  
Johnston Tobin Solicitors

## COURTS WORKING DURING COVID-19

Courtrooms were never designed for social distancing. Waiting areas are standing room only, public seating overflows, lawyers crowd the Bar table and Corrections officers closely accompany Defendants. This simply could not continue with COVID-19, however Courts have not shut down instead extraordinary measures have been implemented. Criminal matters with the Defendants free on Bail were mostly adjourned until September, although recently they have been rescheduled to be mentioned again earlier now in August. Bail hearings are being heard by video-conference at a reduced number of central 'hub' courts. Guilty Pleas are being generally adjourned for 8 weeks for sentence but Magistrates can bring them forward. Prisons have thankfully remained virus-free but with plans to quarantine all new prisoners, they'll now be 'open for business' from 1 June. This means that a criminal Defendant in Custody is likely to have their matter 'finalised' sooner rather than later. Of course, Courts do not want to keep defendants on Remand for too long as they could still be found Not Guilty. Many people plead guilty 'on the day' so Courts are making it easier to Plead Guilty in advance and earn penalty discounts. But do not enter any Plea without legal advice! AVO matters are often 'heard' by the Magistrate alone with the lawyer 'appearing' by email. The Small Claims Court is currently sitting by teleconference only. Most Family Law matters have been deferred till further notice, with the Court enforcing strict social distancing rules as most Family Courts are tiny. District Court Jury trials were suspended at least through May. Trials listed from 1 June may still run as scheduled but

can be delayed with 2 weeks' notice. Other jury trials are delayed to dates after 5 September. 'Judge alone' trials (no jury) can run with video conferencing. Defendants in custody appear by video link. In Civil matters, Sydney District Court is still working through its list and will only defer matters with a good reason and sworn affidavit. All these COVID-19 arrangements are constantly being revised as the public health situation evolves. As things improve the Court's rules will likely to continue changing. If you have a matter that has been 'deferred' please don't just assume you have a holiday, your matter could still be brought forward again and the Court certainly will not just forget about you! If you fail to 'attend' the Court can convict in your absence

**If you have an upcoming Court matter or any legal question, call Johnston Tobin Solicitors for help.**



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