

A LITTLE ABOUT US...



Genders & Partners was established in 1848 and is now Adelaide's oldest law firm, and one of its most respected. It has undergone several changes of name throughout its history: before Dr John Jefferson Bray became Chief Justice of the Supreme Court of South Australia, he was a partner with this firm, which was then known as Genders Wilson & Bray. At other times it has been known as Genders Wilson & Pellew, Genders Wilson & Abbott, or Genders Wilson & Partners.

For over 40 years this firm has been at the forefront of personal injury law in South Australia. In a 1994/95 national survey, we were voted as "the leading plaintiff practice in Adelaide for personal injury claims."* We have retained this impressive distinction ever since.

We have been involved in several of the largest personal injury compensation claims in Australia. We obtained the South Australian record (\$8.05million) award of damages for one of our personally injured clients.

* Legal Profiles - 1994/95 Edition - an independent guide to the expertise of leading Law Firms in Australia and New Zealand.



GENDERS & PARTNERS

**173 South Terrace
Adelaide SA 5000**

Phone: 08 8212 7233

Fax: 08 8231 6702

Web : www.genders.com.au

Email: mail@genders.com.au

GENDERS & PARTNERS



APPEARING AS A WITNESS



Specialists in Personal Injury Law

**Phone (08) 82127233
173 South Terrace
Adelaide SA 5000**

APPEARING AS A WITNESS

Witnesses play a very important role in the SA justice system. Witnesses may be required to give evidence in civil matters involving disputes between individuals or corporations on issues such as breach of contract, a dispute over a will, or a claim for damages following a motor vehicle accident.

In civil cases, a jury is not usually required. Cases are heard and determined by a judge in the Supreme or District Court or by a magistrate in the Magistrates Court .

Terms used in civil cases

Plaintiff (or Claimant): A person, company or organisation that commences a civil case.

Defendant: A person, company or organisation against which a civil case has commenced.

Witness: A person called to give evidence on behalf of one of the parties in a criminal or civil case.

Interpreter: An interpreter may assist a witness from a non-English speaking background who experiences language difficulties when giving evidence.

Contact the court well in advance of the trial date for assistance.

Judge: Presides over trials in the Supreme Court and the District Court.

Magistrate: Hears trials in the Magistrates Court .

Associate: Sits in front of the judge in the Supreme Court and the District Court, and assists in the running of the court.

Preparing yourself for court

Remember to take any relevant documents to court with you.

Bring something to read, eat and drink as you may have to wait before you give evidence.

Arrive on time and make your arrival known to a Court officer.

You are allowed and may wish to ask a friend to come to court with you.

Once you arrive at court

You will be asked to wait in the public waiting area or a witness waiting room until a Court officer calls you.

If you are concerned about contact with other parties in the case, please advise a court officer. There may be a separate area where you can wait.

You may be allowed to sit in the public gallery of the court and listen to other cases while you are waiting. However, you will probably be asked to leave the courtroom when your case is called.

Courtroom conduct

When entering and leaving a courtroom, it is customary to bow towards the judge or magistrate sitting on the bench.

You should enter and leave the courtroom quietly so you do not disrupt proceedings.

Talking, smoking, eating and chewing gum in the courtroom is not allowed.

Anyone who behaves or dresses inappropriately can be removed from the courtroom.

Ensure mobile telephones and pagers are turned off before entering the courtroom.

Video or other cameras, tape recorders, two-way radios or other electronic equipment are not allowed in the courtroom without the prior consent of the judge, or magistrate.

When the questioning is finished, you will be asked to stand down from the witness box. You are then free to leave the court, or you can sit in the public gallery at the back of the court and listen to the rest of the case.

When giving your evidence

- Stay relaxed and calm;
- Listen carefully to the questions;
- Ask for a question to be repeated or explained if you don't understand or can't hear it;
- Speak clearly and slowly;
- Be careful not to leave anything out when giving your answers;
- Ask the judge or magistrate if you need advice;
- Inform the judge or magistrate if you need a break when giving evidence.

Expenses and travel

If you are called as a witness you may be able to claim expenses related to your attendance in court. Generally, the party calling you to give evidence is responsible for your reasonable expenses and for any special travel arrangements. Please contact the party who issued the witness summons or the court registry for further information.

Swear or Affirm?

When beginning to give evidence, you will be asked whether you wish to "swear or affirm". Historically almost everybody swore on the Bible to tell the truth—nowadays some people prefer to "solemnly and sincerely affirm" that they will do so. In either event, there are penalties for knowingly attempting to mislead or deceive the Court.

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