

Court supporters

This page is about supporting at plea hearings and at magistrates court trials. It describes the role of an XR Court Supporter, the preparations needed, court procedures, note-taking at a plea hearing, note-taking at a trial, and sending reports back to Arrestee & Legal Support (ALS).

The reason we do Court Support is to:

- Provide emotional support and practical assistance to defendants, e.g a listening ear and encouragement; information about reimbursement of travel expenses and other resources, links to further support if needed.
- Demonstrate XR's principles and values through our presence and behaviour.
- Make notes of the pleas/verdicts, court costs, sentences, trial dates or other outcomes for the benefit of the defendant and to inform XR's legal strategy.

Always respect the privacy and personal space of the defendant(s):

Introduce yourself and your role as court supporter; let them know you are available if they have any questions. Give them time to orient themselves. They may have friends/family with them or may want time to themselves.

If they want to chat, please do, but remember you are there to do a job. Be aware of others in the vicinity: other defendants who might want to approach you; non-XR people (e.g. police) who might overhear information that could compromise the defendant's case.

Do not join discussions between solicitors and defendants unless invited. Don't make suggestions about how to plead or which defence to use. Discussions between solicitor and defendant are confidential.

If family or friends are accompanying a defendant, they have priority over you. Don't assume you can join their discussions. If family/friends want to sit in the public gallery and there are not enough seats, do your best to make this possible (people could take turns, or you may need to give up your seat for a while and ask the defendant's friend to give you a report of what happens while you're not there). You, as a Court Supporter, do not have a right to be in the public gallery ahead of anyone else (only media and police have that right). Your position must be negotiated.

We do not offer legal opinions or advice. If a qualified person from XR Legal is on hand (either in person or by phone) they may be able to offer such advice. Sometimes a solicitor representing one of the defendants is willing to answer questions from others. Most defendants are making use of XR's Access to Justice scheme so will have had a discussion with a solicitor before their plea hearing.

Before the hearing/trial

Supplies needed:

- A notebook, pen(s), fully charged phone, and drinking water (for yourself).
- Bring vegan snacks to share if you wish - products individually wrapped by the manufacturer are preferred.
- For plea hearings – bring the list of defendants received from the Court Support Coordinator and hard copies of the [plea hearing templates used to record information about unexpected defendants](#)
- For trials - names of defendants and copy of the [trial observation template](#)

At the court building

You will need to go through airport-style security when you enter the court building, and must take a sip of any drinks you bring with you.

Security is getting stricter and can vary from one court to another. Any item (e.g., XR badges, flags, placards, sharp objects etc) that is not allowed in will be held for you at the security point. You will be given a receipt to collect the item when you leave. Sometimes, XR visitors have had to turn all bags inside out to show everything they have. Frisking of visitors also happens on occasion.

Court sessions normally run from 10am – 1pm and from 2pm – 4pm. Defendants will have been told to arrive at 9.30 am for the morning or 1.30 pm for the afternoon session. You should arrive at these same times.

The list of defendants

The Arrestee & Legal Support Comms team maintains a database of all arrests and court appearances that are submitted to them from the Rebellion Back Office, Police Station Supporters, arrestees and charged defendants, and from Court Supporters.

The Court Support Coordinator prepares a list of the charged rebels who are due to appear on a specific date/time at a specific court. They may also attach notes to the list and ask you to try to collect contact details or GDPR information that is missing.

Most courts post next day trial and plea hearing information on [courtserve.net](#). Anyone can use CourtServe with a simple registration. This resource shows the daily court lists with names and courtroom numbers. (Caution: The information is not always up to date and complete.)

You will need to compare the XR list you have been given with the court's list of defendants. The court list is posted on a notice board after the security check point and near the main entrance of the court building. Make a note of the courtroom number and any names that you think may be XR

but are not on your list.

Find the courtroom you need and identify the 'court list officer' (aka court usher). You may want to identify yourself to them as part of the XR Court Support team. At plea hearings they may ask you to help them identify the XR defendants (or contact them if they don't turn up on time).

We aim to have two people for each session (morning and afternoon): both to ensure back-up if due to unforeseen circumstances one volunteer is late or is unable to attend, and to collaboratively share the tasks when working together. If it seems that more than one courtroom will be used the number of supporters will be increased if possible.

Court Layout

- The Bench – where the District Judge or Magistrates sit
- Clerk of the Court sits close to the Bench, an administrator who is legally trained
- Defence and prosecution attorneys face the Bench and sit side by side.
- Behind the attorneys, 1-2 rows for defendants and others (e.g. McKenzie friend, trainee solicitors). Defendants may be in a transparent enclosed area until called to the witness stand.
- The witness stand is located on one side of courtroom, usually adjacent to the Clerk of the Court.
- Public Gallery near the entrance to courtroom, may be an open space or enclosed area.

Court Etiquette

- The 'court is sitting' or 'court is in session', when the Magistrates or District Judge is in the courtroom.
- Follow the instructions of the Court Clerk – e.g. "All rise"
- Be quiet when court is in session.
 - Phone to silent or off, only whispers, be quiet when moving around.
 - You may be sanctioned for using your phone's data functions and could be ordered out of the court. Take care.
- Do not take photos in the courtroom or anywhere in the building
- You may go in and out of the public gallery when court is in session, but do so quietly and infrequently.
- Once the Magistrate/Judge leaves the courtroom you can talk and move around. You may talk to the solicitors, defendants, and court officers.
- At the end of the session the court staff will want to lock up. Be prepared to leave quickly and make sure you have all your belongings with you.
- Disobedience in the dock: if a defendant decides to Disobey in the Dock we do not interfere. Let the court officials and solicitors deal with it. Make notes and pay attention, you may need to notify others about what takes place and where the defendant is taken. Do not use social media to publicise the event. We must maintain our independence and access to the courts. If seen to aid the defendants you could be at risk of being found 'in contempt of court', which could result in a jail sentence.

Outside each court room is a waiting area. The courtroom itself is usually locked until shortly before the session begins. When in the public gallery try to position yourself so that you can hear as much as possible. The louvre barrier which is usual in the public gallery can make it difficult to hear. You will also want to have sight of the screen where police body worn video transmissions are shown.

Plea hearings

All defendants should have been sent a “Statement of assets and other financial circumstances” form (MC100). Hopefully, defendants will have come with these forms already filled in. For defendants who are pleading Not Guilty, they will need to complete the Preparation for Effective Trial (PET) form. The A2J solicitor may have already helped their clients with this form. Unrepresented defendants may be able to get help from an XR solicitor if one is present. The Court’s duty solicitor and even the prosecuting attorney have been known to assist self-repping defendants with the PET form on occasion. Court Supporters should not assist with these forms (unless they are part of XR Legal).

- [PET form](#)
- [“Statement of assets and other financial circumstances” form \(MC100\)](#) which the court will use in setting the level of court costs and fines.

If there is an XR defendant at the plea hearing who is not on your list, try to use the [Template for Plea Hearing Data](#) to record their details. HOWEVER, the defendant does not have to give us any information. You can explain the value of giving us their details (i.e. we can send them helpful information, we can follow their progress through court and link them with legal arguments and other defendants who could benefit from their experience). Ultimately, it is entirely their choice.

If they don’t want to complete the form, you can give them the email address of the Arrestee & Legal Support Comms Team and tell them to contact that address if they later have a question. (XR-ArrestWelfare@protonmail.com)

Court Proceedings at a Plea Hearing

A District Judge or a panel of 2-3 lay Magistrates presides at the Magistrates Court. It is an expected courtesy that everyone stands when they enter and leave the courtroom. The Judge/Magistrate is addressed as Sir or Madam.

After the preliminaries of establishing the identity of the defendant and details of the charge, a plea of Guilty or Not Guilty is submitted.

Not Guilty

If the plea of Not Guilty is entered, the arrangements are made for the trial. This is not the time for the defendant to explain their actions. This will take place at the trial. The details on the PET form (see above) will determine how much time should be allowed for the trial. The date will depend on the availability of a courtroom, and the availability of the witnesses and the defendant.

Court supporters' notes need to include the Not Guilty plea, the trial date(s), trial location and amount of time allocated (e.g. half day starting in the morning or afternoon, or one or more full days). Other details such as the imposition or lifting of bail conditions, name of the solicitor or whether the defendant is representing themselves are useful also.

Guilty

When a Guilty plea is entered, the Prosecutor will present the evidence against the defendant. If the Judge decides the evidence is insufficient, they will dismiss the case and the hearing is over. If the Judge is satisfied with the evidence, they will accept the guilty plea and determine the penalty, which is usually a Conditional Discharge for 6 (or more) months, OR a fine. They will also state the amount of the prosecution costs the defendant must pay (for most first offences this is less than £85 plus the mandatory Victim Surcharge (VS) of around £26 (as of July 2022) but the information on the MC100 form may reduce these costs, and previous convictions may increase the costs).

Make a note of the Guilty plea, the penalty, and the prosecution costs (incl Victim Surcharge). On rare occasion an Absolute Discharge may be given. Make a note of anything that seems unusual.

When pleading guilty, defendants are generally allowed to make a verbal statement of mitigation explaining their action (usually for no longer than 5 minutes). These are often very powerful statements and very emotional for the defendants.

'Non-appearances'.

When a defendant does not turn up at the plea hearing, their case tends to be discussed at the end of the morning or afternoon session. The discussion is between the prosecutor and the Judge/Magistrates after all the other defendants have finished. It is important for a Court Supporter to stay in the courtroom until the very end (i.e. the Judge leaves the room) to make notes of these discussions. The defendants who are not present may have contacted the court to ask for an adjournment for a short period of time, or may have sent in a 'written plea of guilt', or may have simply not appeared with no explanation. In this latter case, it is likely the defendant's guilt will be 'proved in their absence' and a more severe penalty will be given.

The other way you may be able to get information about 'non-appearances' is from the Court List Officer or the Court Clerk.

Defendants may leave at varying times once their hearing is over. Try to ensure that each defendant is personally thanked and leaves knowing that our good wishes go with them.

Once you are back home again, send your report to the Comms team on [XR-](mailto:XR-ArrestWelfare@protonmail.com)

ArrestWelfare@protonmail.com. Put "DaisyChain (date) (Name of Court)" in the subject line,

(e.g. DaisyChain 1 Dec 2022 Westminster Magistrates), attach your report and write any additional notes in the message.

When your report has been submitted, destroy any hardcopy notes and forms, and delete records from your phone or computer (including from Trash).

Trials

Most of our trials are in the Magistrates Court. Crown Court cases have different procedures and are not covered in this document. Court support coordinators contact defendants prior to the trial to check details, e.g. charge, plea (which is sometimes changed before the trial), court and time of trial (both of which may have changed between the plea hearing and trial). It also allows us to check if a defendant is represented by solicitors or will be self-representing, and if they have had or need legal advice, or need support in attending court, and any other considerations including whether they are happy to have court support. Most defendants respond but some don't for various reasons. It has to be remembered this is their trial and not an XR action.

On the day of the trial

Defendants, legal representatives, friends, family and court support volunteers should arrive at the court at least half hour before the trial. When entering the court building a security check takes place, see [At the court building](#) above. There will be court lists at the main entrance to the court. It is wise to check these to ensure your information is accurate and the court room or times have not been changed on the day, which sometimes happens.

Defendants and those involved will usually be in the waiting room or might be in a consultation room preparing for the trial. You should not enter the consultation rooms but remain in the waiting room. It is very important to be respectful of defendants, legal representatives, friends, and family. Our intervention can be seen as interference. Sensitivity is important. Court list officers will come in and out to check that defendants and others are in attendance. They may ask why you are attending. Officially you are just a member of the public and it is often best to identify yourself as such, although it can be helpful to identify as XR court support if the defendant has not turned up and you can assist in trying to contact them.

You will have a Trial Observation Form which outlines the information needed. You can write directly into the form but it is worth having additional paper for making notes. Most volunteers find it best to make notes and type them later into the form template which expands as needed.

Court proceedings

The trial begins with the Judge or magistrate briefly outlining the charge, making sure everyone is in court and the defendants are correctly named and have not changed their plea to guilty, which they are able to do at this point. If the defendant still maintains their innocence, the prosecution will put their case to the court.

The prosecutor will outline the charge(s) and call witnesses, usually the senior police officer and the arresting officer. The police body worn video will usually be shown. The defence can cross examine (question) the witnesses.

Next the defence will put their case and call witnesses. The defendant may be called to the witness stand. If a defendant is self-representing, they may decide to give evidence from the witness stand. If they are called or decide to give evidence in the witness stand, this evidence is admissible in the trial and the defendant can be cross-examined by the prosecution.

There is then a summing up by both the prosecution and the defence. The Judge or Magistrates will usually leave the court to consider the verdict. Finally, the Judge or Magistrates will decide on the case, sum up and state their verdict.

If the verdict is '*not guilty*' or '*case dismissed*', the case is closed and the trial ends. The defendant can claim for reimbursement of their legal and travel costs.

If the verdict is '*guilty*', then the Judge will decide the sentence. They will ask for the defendant's financial circumstances before sentencing (Form MC100). The Judge or Magistrates may decide that the sentencing should take place on a different day and/or at a different court.

The contribution toward prosecution costs ranges from £150 - £800 depending on length of trial. This cost can be shared between co-defendants if there are any. A Victim Surcharge will also be added. A Conditional Discharge of 9 months or 12 months is usual. Fines are sometimes imposed instead of the Conditional Discharge, and in cases of criminal damage there may be costs of making good the damage.

If the trial is longer than one day, the observation and note-taking may be shared between 2-3 people. The notes then need to be compiled into one report before being sent to

informeddissent@riseup.net (also send a copy to XR-ArrestWelfare@protonmail.com)

After the trial

There might be cause for anger or celebration. Whichever it is, save any emotional outbursts or comment until you are outside the court.

We have a relationship with XR media and you may need/want to be in contact with our photographers or media people and help facilitate publicity. BUT it is important to respect the wishes of the defendant about media involvement.

Write up and send off the trial observation report as soon as possible. These reports are very important and used to enable support and advise legal strategy.

About Data Protection and Security

- All court supporters should get a protonmail account if they don't already have one. It is free of charge.
- Also if you have not already done so, please complete the XR Volunteer Agreement <https://actionnetwork.org/forms/xr-data-protection-agreement-2> and forward the confirmation email to XR-arrestwelfare@protonmail.com

Love and Gratitude from the Court Support Coordinators (Cristine, Sofia, David)

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