

# How Do I Prepare A Case Outline?

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Are you preparing for a Hearing? If your Orders state that you must prepare and exchange a Case Outline, this guide can help you.

It is important that you get legal advice about preparing your Court Documents and running your Hearing.

## 1. What is a Case Outline?

This is a summary of your Case, and it usually includes a list of all the important people involved in your matter, a timeline of important events, a list of the Court Documents you want the Judge to read, and a summary of the legal arguments you intend to make in the Courtroom.

Some Judges will specify in their Orders what they want included in a Case Outline, others do not. If you don't have a copy of your Orders, clarify what the Orders say with the Court by contacting the NEC LiveChat staff online, or calling 1300 352 000.

## 2. The Other Party has not complied!

If the Orders say that you and the other parties in the case must file documents and exchange Case Outlines by a certain date and the other party has not done any of these things, as far as possible you should still try to comply with the Orders yourself.

The other party will be criticised by the Court if they do not follow the Orders and do not have an acceptable excuse.

If you have a Case Outline, you are showing the Court that you have prepared your legal arguments and documents and you are ready for a decision to be made.

## 3. I can't find the form!

There is no Case Outline Form on the Federal Circuit Court website or Family Court website. There is a sample at the end of this factsheet which you can type into a Word document.

## 4. How do I file my Case Outline?

There is no field in the Commonwealth Courts Portal for you to specifically upload a Case Outline, and the Case Outline is not a document that is usually sealed (stamped) by the Court.

Usually, Case Outlines are exchanged before the Hearing by sending the Outline by email to the Judge's Associate and copying in the email addresses of all the other parties. Your Court Orders will give directions about how to exchange your Case Outline, and when it must be done.

**REMEMBER: You MUST copy all parties into any correspondence with the Judge's Associate**

## 5. Can I still make submissions in Court?

The Judge will need time to read the Court Documents you referred to in your Case Outline, and may hear brief oral submissions from each party during the Hearing.

You should make sure that your main submissions are written in your Case Outline, just in case you forget to say them in Court or you don't get enough time to explain all your legal arguments.

## 6. What is my Legal Argument?

You should find out what section(s) of the *Family Law Act 1975* should generally apply to your case. If you aren't sure, you should speak to a lawyer.

Your legal argument should explain to the Judge why the Orders you want are supported by these sections of the law and the facts of your case.

FAMILY LAW ACT 1975

IN THE FEDERAL CIRCUIT COURT OF AUSTRALIA/FAMILY COURT OF AUSTRALIA

AT [LOCATION OF THE REGISTRY]

[INSERT FULL NAME]

Applicant

AND

[INSERT FULL NAME]

Respondent

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OUTLINE OF CASE DOCUMENT RELIED UPON BY THE *APPLICANT/RESPONDENT* (*delete one*)

[INSERT DATE HERE]

- A. Brief Background**
- B. Documents to be Relied Upon**
- C. Chronology**
- D. Outline of Submissions**

[INSERT YOUR ADDRESS]

YOUR TELEPHONE NUMBER

YOUR EMAIL/FAX]

[APPLICANT NAME] & [RESPONDENT NAME]

[COURT FILE REF eg PAC XXXX/2019]

Hearing Date: [INSERT HEARING DATE HERE]

**A. Brief Background**

*This should be a one paragraph summary of your case, explaining what the case is about and what you are seeking in this Hearing.*

**B. Documents to be Relied Upon:**

*This is a list of the documents already in the Court file that you want the Judge to read before making a decision on your case. DO NOT AUTOMATICALLY LIST EVERYTHING YOU HAVE FILED. Be certain that you only list the relevant documents for this particular hearing.*

1. [INSERT DOCUMENT NAME WITH ORDERS, HERE] (eg. Initiating Application filed xx/xx/xxxx)
2. [INSERT OTHER DOCUMENT NAMES] (eg Affidavit of [FULL NAME] sworn and filed xx/xx/xxxx)
3. Your list can continue with as many documents you think are necessary for the Judge to hear your case.

**C. Chronology:**

*This is your matter’s timeline. It should include when you and the other parties were born, when the relationship started and ended, when children were born, when major assets were acquired (in a financial case) and other relevant information.*

*This should be BRIEF and FACTUAL. If you want to, you can put this chronology in the form of a table. The “evidence” column does not have to be included, but it can be helpful to list the paragraph numbers of your Affidavit where more information can be found about the incident you describe*

Date	Event (one sentence description)	Evidence (optional)
<i>Example: 1/1/1970</i>	<i>Applicant was born in Sydney, Australia</i>	

**D. Outline of Submissions:**

*Your written submissions are your written legal arguments about why the Judge should grant the Orders you are seeking. They can refer to similar Family Law cases that have already been decided, and to the sections of the Family Law Act that are relevant to your kind of matter.*

*It is very helpful to have a lawyer assist in preparing your legal argument and case strategy. Some solicitors will agree to do “unbundled” work, meaning they accept a limited retainer to do a specific task.*

*You can also hire a barrister directly, this is called a “Direct Brief”. Barristers often prepare Case Outlines for their clients’ matters and run hearings without being involved in the rest of the case.*

*Outline of Submissions (continued)*

**Case Law:**

Is there any similar case to yours that you think your Judge should follow, when making a decision about your case? If so, write the full name of the case as **NAME & NAME [YEAR] CourtReferenceNumber**, and then describe briefly, why you think your case is the same.

**Legislation - Section XXX of the *Family Law Act 1975 (Cth)*:**

In this part, you can cut and paste the relevant section/s of the Act that apply to your case: eg s60CC for parenting matters, or s79 for property matters. This is the law the Judge will be applying to your case, to make their decision.

You should address each factor of the section that is relevant to your case. Some sections will not be relevant.

You can access the *Family Law Act 1975* from the official government website Federal Register of Legislation at: <https://www.legislation.gov.au/Details/C2019C00101/>

.....  
[INSERT YOUR NAME HERE  
AND THE DATE]

***This fact sheet is intended as a general guide to the law. It is not legal advice and we recommend that you talk to a lawyer about your particular situation. At the time of writing, the information shown is correct but may be subject to change.***

***If you need more help, contact Law Access NSW on 1300 888 529.***

Family Law Early Intervention Unit: 1800 551 589 • Legal Aid NSW [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)