

Guide to writing a character reference letter for Court

Everything you say in a character reference must be true. If you are not sure about something, then do not write about it.

1. **The character reference for Court should be addressed “To the Court”.**

Who the character reference is addressed to depends on which court the accused is going to. It is important to address a character reference correctly. Is it being addressed to a Magistrate, a Judge, a Judicial Registrar, a VCAT member? It tells the recipient that you know that it is not just a general character reference and is aimed specifically at them.

2. **Be signed and dated.**

It is important that it is signed and dated so that the Magistrate knows that it was prepared for this case. Also, it often helps if you can put a contact phone number on the reference.

3. **Show that you know what charges the accused is pleading guilty to**

A general statement such as “I know John Smith is pleading guilty to assault charges” or “hurting someone” or whatever it may be will show the Magistrate that you know what this reference is for. It is important with assault charges to give some indication of whether the accused is generally a violent person or whether this is a one-off incident – but only write what is true and what you do know!

4. **Find out if the person has been in trouble for this offence before**

There is no point giving us a character reference for Court that says this is “out of character” if the accused has done it before. Generally, you would not use a character reference like that as it may just be unhelpful.

Be careful discussing the facts of the case in detail unless you have seen the summary of facts being read to the Magistrate.

5. **If the person has not been in trouble before this offence**

It is a very important feature of a case if a person has not been in trouble before. A person should be able to rely on their good character to get a better outcome from the Court. If you are comfortable endorsing their good character then that can be very helpful.

6. **How long have you known the person?**

This is a useful thing to put in a reference as it shows that you have known the accused long enough to see a change in them – e.g. “I have known John since he was 15 and first started mowing my lawns. He has been through a tough time and I have seen him mature greatly over the last 6 months.”

7. Include detail in the character reference.

If you can provide more detail about how you know the person then that can be helpful. Remember the Magistrate does not know the accused, and they rely on the lawyers and documents such as character references to explain who they are.

8. How you came to meet them

Again, this is information that is useful in assessing how much weight to give to a character reference. Provide information for the Court about how you know the person. What is your relationship? They might be a:

- Family Member
- Employee
- Friend
- Client
- Patient

9. Your opinion of the accused's personality

What do you truly think of the accused? What qualities do they have that you would want to tell the Magistrate about if you were having a conversation with the Magistrate?

10. Any positive things that you can say about their behaviour, activities etc.

Do they do any voluntary work? Do they help look after sick people? Are they the coach of the junior football team? A character reference for Court is all about giving context to a person's life. Everyone has some good qualities. It is important to explain them to the Magistrate.

11. Impact of losing their licence if the matter relates to the use of a motor vehicle

A character reference is often useful when it spells out the impact of some court orders. It is important to explain to the Magistrate what the impact will be for the accused if they lose their driver's licence.

12. Anything else you think is relevant.

Again, this is your chance to say something positive about the accused.

13. Do not suggest what penalty they should get.

Just say the positives about the accused in the character reference and leave it to the Magistrate to decide on sentencing.

14. If you can put the character reference on a letterhead do so

It is much better to have a character reference that is on letterhead from a business. It shows that the person who is giving the character reference is employed and can give weight to what they are writing.