

REPRESENTING YOURSELF IN COURT

A GUIDE TO ADDRESSING FREQUENTLY ASKED QUESTIONS

DEFINITIONS

Answer - A document (or pleading) filed with the court before the trial by the defendant in a civil case to respond to the plaintiff's claims.

Balliff - A court attendant whose duties are to keep order in the courtroom and to have custody of the jury.

Complaint - The first document (or pleading) in a civil case stating facts and demanding relief.

Contempt of Court - A willful disregard or disobedience of laws, regulations, or decorum of a public authority.

Evidence - Testimony or exhibits offered in a judicial proceeding for the purpose of establishing the truth or falsity of an alleged matter of fact.

Exhibits - Objects, pictures, books, letters and documents which are admitted in evidence.

Pleadings - The formal allegations by the parties to an action of their respective claims and defenses.

Subpoena - A process to cause a witness to appear and give testimony before a court or magistrate.

Witness - One who testifies under oath to what he or she saw, heard or otherwise observed.

What do I Need to Know about Court?

The Court is a very traditional place. When you are representing yourself in court, you are trying to persuade a judge that you are right. So, you must act, dress and speak in a way that helps you with your case.

Most importantly, **be on time**. If you are late, your case could be dismissed. If you know you are going to be late, call the court and ask to speak to the secretary of the judge or magistrate assigned to your case.

You do not need fancy clothes, but you must **dress neatly** in clean, non-ripped clothing. Baseball caps are not acceptable.

How you act is as important as how you look, so **be respectful** to everyone in the court, including the judge or magistrate, court staff and other parties involved in the case.

It is acceptable to bring your child if requested if it is a custody or visitation case and the judge or magistrate needs to talk with your child. In all other cases, **do not bring your children to court**.

Turn off your phone when you enter the court. **No cell phones or pagers are allowed in the Court room.**



How do I Prepare my Case?

When you decide to represent yourself, you take on the full responsibility for your case. You need to handle legal questions as well as deadlines, documents, evidence, witnesses and any other issues that may come up.

⇒ **Familiarize yourself with the local court rules.** Rules and procedures vary slightly from court to court. You can obtain a copy of the local rules from your court.

⇒ **Make sure your filings and documents conform to local standards.** Generic forms and sample filings are available in books and on the internet. To make sure that your documents will be accepted, ask your court

for forms and sample filings.

⇒ **Respond to all inquiries on time.** You may receive inquiries from the court or the opposing party. If you fail to respond to such inquiries, you may limit your ability to present your case.

⇒ **Rules about admissible evidence are complicated.** There are many possible reasons that evidence or testimony you think is relevant may not be admissible in court. Neither court staff nor the judge may answer questions ahead of time. If your case involves contested evidence, consider

whether you need an attorney.

⇒ **Make sure evidence you plan to use will be acceptable and available in court.** If your case will involve evidence like documents, pictures, cost estimates, receipts or other items, you must bring at least three copies of each with you. You must also be able to verify that the documents contain accurate information

⇒ **Make sure any witnesses are prepared and available in court.** Make sure your witnesses know what you and the opposing party will ask and instruct them to answer truthfully.

What Should You Expect When You Arrive the Day of Your Hearing?

Make sure you check in with the bailiff to find out which courtroom to go to. Sit quietly where instructed and until your case is called. You may have to wait, but be patient.

When your case is called, walk to the table or podium for lawyers in front of the judge or magistrate. You will be instructed when it is your turn to speak.

When asked, present your case. Tell what it is that you are requesting and why you are

requesting it. After you are finished, the other side will have a chance to ask you questions.

Next, the other side will present his/her case. Don't forget, if you disagree with something the other side says, you can interrupt by properly objecting. You will have an opportunity to ask the other side questions when he/she is finished talking.

During the hearing you may be asked questions by the judge or magistrate. If you do not un-

derstand the question, say so. Do not answer until you fully understand what you are being asked. If you don't know the answer, say so. Do not be afraid to admit that you don't know something.

Decisions are not always given right away. In most cases, you will receive the decision in the mail.

What is the Role of the Judge or Magistrate?

Your case will be heard and decided by a judge or magistrate. Keep in mind that the role of this person is to be an impartial referee in the dispute between you and the opposing party. Among other things, this means that:

⇒ **The judge or magistrate may not help you present your case.** Helping you, by pointing out possible mistakes or by letting you know what you need to do next, would be unfair to the opposing party.

When you represent yourself, you take on the full responsibility of presenting your case.

⇒ **The judge or magistrate may**

not speak with you about your case when the opposing party is not present. This is true even if the issue you want to speak about seems like simple procedural questions. Again, such communications would be unfair to the opposing party.

⇒ **The case will be decided on the basis of the facts presented during the proceedings and the applicable law.** The facts may only be considered as they are presented in court, through evidence and testimony. You will need to make sure that all facts supporting your case

are properly presented. Sometimes the law dictates which facts the judge may and may not consider. You need to make sure you present the facts that the law requires or permits.



Can a Judge or Court Staff Provide Legal Advice?

No. A judge, magistrate or court staff cannot provide legal advice. It is always a good idea to consult with an attorney and be represented by an attorney in court.

The law is complex. Attorneys are trained professionals who understand the law and how it relates to your case.

Ohio courts and judges will provide a fair hearing for your case whether or not you are represented by an attorney and it is your right to represent yourself if you choose.

When you bring a case to court without the help of an attorney, you are taking on a complex task that is normally done by trained

professionals. You may be doing yourself a disservice.

