

Step-By-Step Guide to *Pro Se* Litigation or How to Represent Yourself in Court



What is *pro se* Litigation?

Pro se actually means “for himself,” and in legal terms it means a person represents himself/herself in court when either filing an action or responding to an action without the assistance of an attorney. *Pro se* litigants are held to the same standard as attorneys.

Mediation And Your Case

The Juvenile Court system allows parties to come to an agreement and make decisions regarding their own case on their own through a confidential process called mediation. During mediation, parties are assisted by a neutral person, called a mediator, who will listen to both parties and help them identify issues, and facilitate and assist the parties to resolve those issues in order to reach a mutually beneficial agreement. Mediation is offered and preferred in just about every court system in the United States because it allows parties to create their own agreement.

When parties are unable to come to agreement in mediation, the case is sent to a judge or magistrate for a formal hearing. Unlike mediation, the Court will decide what will be done and by whom. It is more likely neither party will be completely satisfied with the outcome. For this very reason, people are encouraged to resolve the case in mediation.

Those who participate in the mediation process do not need to hire an attorney for mediation. When mediation is not appropriate or when parties cannot come to an agreement, attorneys are recommended for their knowledge of the court system and understanding of pertinent laws. However, hiring an attorney is not always an option for everyone, and this pamphlet is to assist those who do not hire an attorney and will handle the case on a *pro se* basis.



TIPS: Important tips can be found throughout the pamphlet in these boxes.

PREPARING YOUR CASE

Court Rules

All courts have rules and procedures that litigants should know before presenting a case. Local rules for the Lucas County Juvenile Court may be found on the court website at <https://www.co.lucas.oh.us/Juvenile>.

Some of the local court rules with which you should be familiar are:

- No food or beverages are permitted in the courthouse.
- Cell phones, cameras, and recording devices are not permitted in court.
- No smoking is permitted in the courthouse.
- Tardiness or absence may result in case dismissal.
- All motions to the court must be typed or neatly handwritten on 8.5"x11" paper and must contain the name, address, birth date, and the last four digits of the social security number for each party.
- Upon filing, most cases will be set for mediation prior to being scheduled for a hearing with a judge or magistrate.
- For hearings, the other parties must be served with a copy of any motion or pleading.
- It is the responsibility of the litigants to produce all evidence and witnesses.
- Any requests for continuances must be filed in writing at least seven days in advance of the hearing.

Filings and Documents

The Lucas County Juvenile Court has a form bank and information center for use by *pro se* litigants. It is located directly in front of the clerk's office on the first floor of the court. For those needing assistance with form completion, there is a weekly clinic offered by attorney volunteers each Thursday at 10:45 a.m.

The forms available in the form bank conform to the local standards and should be filed with the Clerk of Courts when completed. The court clerks and volunteers cannot offer legal advice regarding your case.

Proving Your Case

Whatever the reason for being at court, you must convince the judge or magistrate that he or she should rule in your favor. This is done by providing sufficient documentary evidence and witness testimony. There are different standards of proof for various types of cases. If you fail to prove your case according to the standard set out in the law, it will be denied or dismissed. The other side is not required to, but has the right to present witnesses and evidence.

Evidence

In order to prove to the court that you have a valid reason for your case, you must show the Court through witness testimony and/or by providing documentary evidence. Both convincing documentary evidence and reliable witnesses are your responsibility to bring to court. Objections raised by any party to any testimony or to any other evidence will be ruled on by the court. There are rules of evidence and the court is required to follow them.

If the other party cannot or will not appear but agrees to the changes, get a "Consent and Waiver of Service" from the clerk and have the other party sign it in front of a notary. Bring the signed-notarized document to court with you.

Witnesses

Your witnesses should be willing to cooperate by testifying on your behalf. All testimony must be given under oath. The number of witnesses is usually not more than 2 or 3 and may include:

- A relative
- Close friend
- Neighbor
- Yourself

Discussing the questions with your witness prior to your hearing date will better prepare you and your witness.

If you have more than one witness, you may call them in any order you choose. However, it is your responsibility to ask questions for the witness to answer. After the witness is sworn in, you should begin questioning with the following questions first:

- What is your name?
- What is your relationship to the parties?

Be sure to keep your questions short, relevant, and open-ended. You will also have a chance to question any witnesses called by the opposing party.

If you call yourself as a witness, be sure to tell the judge or magistrate what you are asking for and the reasons why your request should be granted.



Remember that the opposing party will also be permitted to question all of your witnesses, including you. Do not argue with opposing parties or the witnesses. If you disagree or do not get the answer you expected, you may move on to the next question.

Your Day in Court

At your hearing, you must present yourself and your case in the best way possible. Here are tips you should follow while at court:

- Be on time for your hearing with all of your witnesses and the documents you intend to admit into evidence.
- Dress appropriately – no shorts, tank tops, etc.
- Be organized and prepared – have 3 copies of evidence, reliable witness, and be ready to take notes.
- Do not bring children to court with you.
- Respect the court at all times – never argue with the other party, clerks, or the judge or magistrate.
- Speak clearly and be short and to the point.
- Turn off your cell phone and remind your witnesses to do the same.

Additional Information

The judge or magistrate cannot assist you in the preparation or presentation of your case. It is not the responsibility of the court to tell you about potential mistakes. As a *pro se* litigant, you must take full responsibility for the handling and eventual outcome of your case.

Although it is not required, it is always a good idea to seek professional legal advice whenever you are involved in a court case. Depending on your circumstances, you may qualify for legal services from a legal aid program or discounted attorney fees.

If you decide to take on the complex task of representing yourself, the court will base its decision on the facts of the case, so it is very important to carefully consider the manner in which you prepare and conduct yourself in court.

Although they cannot provide legal advice, the clerk of courts will be able to assist you with questions you may have about court procedures, forms needed, terminology, or hearing dates.

There are other resources where you can find more information to assist you in preparing your case:

- Ohio Supreme Court, Law Library & Resources, www.sconet.state.oh.us
- Ohio Legal Services, 1-866-529-6446, www.ohiolegalservices.org
- Toledo Bar Association, Lawyer Referral, 419-242-9363, www.toledobar.org
- Ohio Bar Association, Legal Resources, www.ohiobar.org



If you do not have internet access at home, contact your local public library for more information on its internet availability.

BASIC TERMINOLOGY

Affidavit – a sworn written statement

Allocation of Parental Rights – Determination of responsibility and rights as to the care of a child

Child support – an amount of money ordered by the court to be paid by a parent to the child's custodian to help pay for daily living expenses

Clerk – the person who assists the court with proceedings and administrative tasks (The clerk's office is located on the first floor of the Juvenile Court.)

Complaint – The original action on a case

Custody/Custodian – a term used to describe the legal status of a person who has the authority to make day-to-day decisions and control over a child

Evidence – something that tends to prove an offered fact

Home study – a report completed by a unbiased third party appointed by the court to investigate whether a proposed home is safe and healthy for the child(ren)

Indigent – the current financial state of a person without the money to pay for court costs or attorney fees. (Certain guidelines are set forth by the court to waive some fees if a person qualifies. Proof of income or lack thereof is required.)

Judgment – a court's final determination of the complaint or motion

Litigant – a person bringing a case or defending a case in court

Magistrate – a member of the court who holds hearings, similar to a judge

Mediation – a process where a neutral person, called a mediator, tries to help the parties reach a mutually agreeable solution without a court trial

Motion – a later pleading made on an existing case

Notary – a person with no legal authority, but who can witness paperwork and document under the law that you in fact signed it (a valid I.D. is needed to have paperwork notarized)

Parenting time – the time allocated to a non-residential parent with his/her child(ren)

Petitioner – the person who is making a request of the court

Pleading – a term that refers to the complaint or motion filed on a case

Pro se – a Latin term meaning to represent yourself in court without the assistance of an attorney

Residential parent – the parent with whom a child is living, sometimes called the custodial parent

Respondent – the person whom a claim is against

Served – the legally required delivery of documents to the other party that usually consists of the complaint/motion and summons to appear at court (When the responding party has been “served,” he/she is considered to be fully aware of the proceedings, and the court process can begin.)

Shared Parenting Plan – a multi-page document that allows parents to share in decisions regarding the child’s welfare, including education, medical care and when each parent will have the child in his/her possession (Parents can only enter into a Shared Parenting Plan by creating the plan together at mediation or by hiring an attorney to prepare the Plan.)

Subpoena – a written command to appear issued by a court

Summons/Notice – informs the respondent of a required appearance at a court hearing

Visitation – a term used to refer to the companionship time allowed a non-parent with a child or children

Witness – a person who has actual knowledge of the situation and is willing to appear at your hearing and testify truthfully in front of a magistrate or judge (You may call yourself as a witness to be questioned, under oath, by the court and the other party.)