

## Tips for Pro Se Litigants

**Pro Se** is the legal term to define self-representation.

### How to Conduct Your Case Effectively

The following outline contains general tips on conduct and procedures. These suggestions may seem simplistic, but they are important to know before you go to court.

#### **Be prepared.**

- Know what evidence you need to prove your case. If possible, consult with an attorney before you come to court to obtain advice on how to present your case, what questions to ask, and other matters.
- Bring documents and witnesses that will help prove your claim or defend against the claim.
  - You need to bring at least three copies of each document you intend to use as evidence—one for you, one for the other party, and one for the judge.
  - If a witness refuses to come to court to testify, you can have the court issue a subpoena (ordered to come to court) in advance of the trial. Make sure to ask the clerk's office for a subpoena well in advance of your hearing.
  - Bring physical evidence. This includes a canceled check, contract, or invoice related to the case. Photographs are important as well. If you are seeking compensation for damage to an item, bring the item, or if this is not possible bring photographs of the damage. If possible, bring a photo of the object before it was damaged. It is also a good idea to bring in defective parts, if they are related to the case.

#### **Be on time.**

- If you are not in court when your case is called, and the other party is present, you might have a default judgment entered against you.
- If neither party is present on time, your case might be passed over and you might have to wait until the very end of the court session before your case is called again. You might even have to come back on another day, even possibly a few weeks later.

#### **Know and follow court rules.**

- Judges cannot make exceptions for litigants without attorneys. You could lose your case if you do not follow the correct procedures. Know the rules!

#### **Be courteous and respectful.**

- Make a good impression on the judge (and jury, if there is one). The best way to represent yourself in court is to be courteous and respectful to everyone. A judge can hold a person "in contempt of court" for unruly behavior. (This could result in a fine or time in jail.)
- Wait for your turn to speak. Do not interrupt the judge or the other party. The judge wants to hear from each party, and each person wants and needs an opportunity to speak without interruption. If you interrupt others in court, the judge will stop you and instruct you to wait your turn.
- Turn your cell phone off!!!

#### **Dress appropriately.**

- Courts are places that emphasize tradition, civility, and good manners. You should wear an appropriate suit or sport coat, if you have one. Otherwise, wear nice, clean casual clothes and shoes.

- Remove your hat or cap while you are in the courtroom or chambers.

**Speak loudly and clearly.**

- Many people are nervous when they are in court and they tend to speak softly. Judges and other litigants need to hear the facts correctly. The other party needs to hear you correctly so she or he can respond appropriately and accurately to your statements. The judge needs to hear you clearly so that he or she can make a correct decision.

**What if I cannot attend the court hearing?**

If an emergency prevents you from attending a hearing or being in court on time (e.g., you're ill or you have last minute car problems), you should call the clerk of court office or the judge's court attendant, calmly explain your problem, and ask for a continuance. Court staff will write down the request and contact the judge. The judge will decide whether the scheduling request will be granted.

If you need to reschedule for other reasons, you must submit your request for a continuance in writing and file it with the clerk of court. Do this well in advance of the hearing so that you don't cause problems for others. Also, it's more likely a judge will grant your request if you have the other party's agreement in writing. The clerk will refer your request to a judge. Because judges are quite busy, you probably won't get an answer right away.

**No Legal Advice from Judges and Court Staff**

Iowa law and ethical rules prohibit judges and employees from giving legal advice. This means that judges and staff cannot advise people on whether to bring problems to the court, what remedies they should seek, and the proper course of action. The purpose of this restriction is to protect litigants and the public by ensuring that:

- Judges and court employees do not use their position to give an individual an unfair advantage in court.
- Litigants do not rely on information that may prove incorrect or inconsistent with court rules or law and that is detrimental to their case.

Court staff may explain basic procedures and answer questions about deadlines.

**Why you cannot talk to the judge about a case without all parties present.**

Judicial ethics prohibit judges from considering an "ex parte" communication—an exchange of information, orally or in writing, between the court and an attorney or party without the opposing attorney or party present.

If you want to give the judge information pertinent to a case or you want the judge to take some action related to a case, you must:

- Put the request in writing.
- File it in the clerk's office.
- Provide copies to the other parties in the case.