

IF YOU DECIDE TO REPRESENT YOURSELF



in the

Richland County

Common Pleas Court

50 Park Avenue East

Mansfield, Ohio 44902

You have a right to be represented by an attorney, and you should consult with an attorney if you have any questions regarding your rights or what you should do. The Court will give you time to find an attorney if you want to talk to one.

Representing Yourself:

If you choose not to have an attorney (what we call “pro se,” which means “for yourself”), you need to understand some basic rules for being in court. This pamphlet is written to help you better understand the legal process. We cannot possibly cover all the legal rules that attorneys spend years learning, but we can give you some explanation of what to expect in court.

Basic Rules of Court Behavior:

A courtroom is a formal setting so:

1. All cell phones or electronic devices that may make noise while you are in the courtroom **MUST BE TURNED OFF.**
2. Dress appropriately – no shorts, t-shirts, tank tops, or similar casual wear. Hats should be removed. You don’t have to be fancy – clean and neat are the rules to show proper respect for the court that will decide your case.
3. This is not the time for snacks or drinks, or chewing gum. If you need to have water or certain foods because of a medical condition, please tell the staff.
4. Children should not be brought to court unless they are witnesses. There is little for children to do here, and they tend to become restless and noisy in the hall or courtroom. Further, they should not be made part of your disputes.
5. You need to use words that show respect for the Judge, Magistrate and the other parties or their attorneys. You should not use words that are offensive or profane.
6. No matter how much you disagree with others, be polite and do not interrupt. You will get a chance to say what you want if it relates to what the court has to decide.

Getting Information from Staff:

The people who work at the courthouse **CANNOT GIVE YOU LEGAL ADVICE** (that is, tell you what you should do). They can give you information so you make decisions for yourself. So:

They can:

- Explain how the court works.
- Give you information from your case file.
- Give you general information about rules and procedures.

They cannot:

- Tell you whether you should file a motion or a complaint.
- Tell you what words to use in your court papers.
- Tell you what words to say in court.
- Give you an opinion about what will happen when you go to court.
- LET YOU TALK TO THE MAGISTRATE OR THE JUDGE outside of court.

Some Words You Might See or Hear:

Magistrate: This is the person appointed to hear cases for the Judges. The Magistrate hears evidence, issue certain types of orders and recommends what orders the Judges should make.

Motion: This is a written or verbal request for the court to do something. Most motions have to be written and must be served on all other parties.

Pretrial or Pretrial Conference: This is a meeting to see if the parties can agree on some things and to decide what needs to happen next. You will meet with all other parties or their attorney and the Judge/Magistrate. Witnesses do not come to these meetings.

Hearing/Trial: This is when you need evidence to show the Judge/Magistrate why you should get what you want. You may testify, bring other witnesses, and use documents to prove your case.

Party: These are the people named in the case. Attorneys are not parties.

Service/Serve: This refers to sending all parties a copy of all papers that are filed with the court. Sometimes the Sheriff serves papers and sometimes the Clerk of Courts or you serve them.

Scheduling Conference: This is a meeting with the Magistrate or Court Administrator to determine the status of your case and set hearing dates.

What happens in Court:

1. Generally, the court has at least one pretrial before a hearing is held. You must come to court each time something is scheduled. The Judge/Magistrate cannot talk with you, the other party, or any attorney involved except when the other party or attorney is present. It would not be fair for the Judge/Magistrate to get information from only one side without giving the other a chance to hear what was said.
2. The Judge/Magistrate is in charge of the procedure that is followed in court and decides what evidence can be legally used in court to decide the case. You have to follow those rules.
3. When you are in the courtroom, the hearings are recorded. That means that you need to speak clearly and always use words to answer questions. It also means that we have to take turns talking so the recording is understandable.
4. The Judge/Magistrate can only hear about and decide the problems that have been legally brought to the court's attention. For example, if the only motion that was filed with the Clerk of Courts said that your ex-spouse wanted a stalking order, the Judge/Magistrate could not decide if you are also entitled to one.
5. If you and the other party **CANNOT AGREE** on how to resolve the case, you will have a hearing.

The parts of the hearing are:

- a. *Opening Statements:* Both sides can outline what they think the evidence will prove.
- b. *Evidence:* The party who filed the motion or the complaint presents evidence first. If you filed, you have the "burden of proof" - that is, you have to prove that it is more likely that you are right than that the other person is right. The other party then produces his or her evidence. The first party gets another chance in what we call "rebuttal" because they have that burden of proof. During the evidence presentation, you can ask questions of any witnesses who are called to testify. This is not a chance for you to make more statements - you can only ask the witnesses questions. The Judge/Magistrate has to consider facts, not your opinions, so you need to have witnesses who can tell what *they* saw or heard themselves, not what they heard from someone else (which is called "hearsay").
- c. *Closing Arguments:* Each side gets to argue why, based on the evidence the Judge/Magistrate, has heard, that party should get what they want.
- d. *Magistrate's Decision:* After the hearing, if the Magistrate hears your case, you will get a written Decision from that Magistrate. This will explain what the Magistrate recommends and why. If you disagree with that Decision, the Judge will review everything if you file a written objection within 14 days and get a transcript of the hearing for the Judge.

- e. *Judgment Entry*: If the Judge hears your case, you will get a written decision from the Judge. It will explain what the Judge orders. If you disagree with the Judge's ruling, you must appeal to the Fifth District Court of Appeals.

6. If you and the other party **AGREE**, you will go into the courtroom and tell the Judge/Magistrate what the agreement is. That will then be written up as a court order, and you will each get a copy.

Even though you have no attorney, you are required to follow the legal rules.

Other available resources:

1. Ohio State Legal Services Association which provides informational brochures on different legal services.
<http://www.ohiolegalservices.org/olsa>
2. The Richland County Court of Common Pleas Court website at <http://richlandcourtsch.us/gendiv.php> has additional information about the court and the court's rules.

Requirements for what has to be filed and when it has to be filed are different in different states AND in different counties. Do not assume that forms you buy or that are used in another court are right for this court.