

What You Need to Know About Representing Yourself in Court

**"Excellence in Customer Service"
Colorado Judicial Branch
<http://www.courts.state.co.us>
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You have a right to represent yourself (appear "pro se") in any kind of legal case. You will be expected to know and follow the rules just as lawyers are. If you do not follow the rules that apply in your case, the court may not be allowed to give you what you want, even if it makes sense. You can also be fined, have to pay the other person's attorney, or be found in contempt of court.

Before you decide to represent yourself, ask yourself whether it wouldn't be a better use of your time and money to consult with or hire an attorney who knows the law and can give you advice about what to do, how to do it, and what your chances are of getting what you want.

What you have seen on TV and in the movies is not real, even if it is called "real TV." You must dress and behave appropriately. Many courthouses have signs posted about what you may and may not do. Read and follow the signs and any orders the court gives you.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

Coming to court and asking a judge or magistrate to make decisions about your life is one way to resolve disputes; this is called litigation. However, this is not the only way to resolve disputes. ADR is often less expensive and less time-consuming, and it gives you more control over your life. Sometimes the court will order you to try ADR (mediation and arbitration are just two types) before you can litigate your case.

You and the other party know your lives/children/the facts of your case better than anyone else. You can be creative and flexible in making your own agreements; the court can only do what the law allows. You and the other party will be happier with agreements you make yourself, and therefore more likely to comply with them than with decisions made for you by the court.

GOING TO COURT

If you do decide to go to court, filing your motion or petition is just the first step. In order to get what you want from the court, you may need to schedule a hearing or conference, make efforts to resolve the problem without the court, and file additional documents.

You will need to fill out paperwork. You can get forms from the court (usually for a small fee) or the Judicial Branch website (www.courts.state.co.us). Many bookstores and office supply stores also sell forms and instructions for using them. Read all the court papers and instructions. There may be a fee to file a motion or a petition.

When you visit the clerk's office to file your paperwork, remember:

- It is up to you to know what you want.

- ☑ You can handwrite or type your information, but your documents must be complete and legible. When completing a multi-part form, press firmly.
- ☑ By law, the court staff cannot fill out forms for you.
- ☑ Some courts may have additional filing requirements that may mean another trip to the courthouse.
- ☑ Keep your composure; the court staff is there to help you as much as they are allowed.
- ☑ The paperwork you file is your only means of communicating with the court and the judge or magistrate. Direct contact with the judge or magistrate is not allowed.

You will have to share. You must give everyone in the case copies of everything you file with the court. You must also submit a written form to the court identifying when and how you did so. You should keep a copy of everything you file with the court. It is best to have a “date-stamped” copy which shows when you filed the original. You will need to work with the other person, any attorneys, and the court to schedule hearings and conferences, and give written notice, so all can be present.

Being organized will help. What do you want? Why should you get what you want? Make notes so you can tell the court the answers to these questions as quickly and clearly as possible. The court has limited time to hear any case and must adhere to a strict schedule. If you do not make your points in the allotted time, you will not get another chance. Practice your presentation with friends and family.

Be prepared. Visit the courthouse and courtroom ahead of time, if possible, so you are comfortable with the location and setup. Observe a similar type of case to learn what goes on and to get some tips on how to do and say things.

Get your documents and evidence prepared and copied. Subpoena your witnesses, if necessary, and arrange for them to be at the right place at the right time. Make notes of the questions you will want to ask the witnesses.

Arrive early, with everything you need. Give yourself enough time for traffic and unexpected events. If you are not there on time, your case may be dismissed, you might lose, or it may be months before you have another chance to tell the court what you want. Keep your paperwork in order and have your copies with you when you come to court – they will not do you any good in the car or on the kitchen counter.

Know your case number. Be sure to have your case number available always; you will be asked for it every time you contact the court. Court staff will not be able to give you the help you need if you do not have your case number.

HELP YOURSELF

No one in the courthouse is allowed to give you legal advice, although court staff may be able to answer questions about forms and rules. Some courts, community colleges, and local bar associations offer free clinics on various types of cases; your local courthouse should have information on such clinics.

The Colorado Revised Statutes (the laws) and court rules are available in print in the reference section of any public library. The Judicial Branch website also has a link to the online statutes and rules: www.courts.state.co.us. You should also check with the court to see whether they have additional filing requirements.

COURT ETIQUETTE

Certain behaviors are required while you are in court. This behavior is either necessary to manage cases or is considered respectful of the court.

- ☑ If you have a cell phone or pager with you, turn it off before entering the courtroom, and before you begin a status conference of any kind.
- ☑ Please deposit away gum, food, and drinks in a trash can before you enter the courtroom.
- ☑ If a sign on the courtroom door tells you to, check in with the courtroom staff before entering the courtroom.
- ☑ Enter and leave the courtroom quietly, so you do not disturb others.
- ☑ Stand when the judge or magistrate enters or leaves the courtroom, and when you speak to the judge or magistrate.
- ☑ Address the judge or magistrate as “Your Honor.”

- ☑ You will be expected to treat others in the court respectfully. It is respectful to address others as “Mr.” or “Ms.” or ma’am or sir. It is not respectful to yell, curse, or cut someone off when they are speaking.
- ☑ Speak clearly and slowly. Your words are being recorded, either by a machine or a person. If you mumble, speak too quickly, too softly, or answer by shaking or nodding your head, the record will not be accurate.
- ☑ Listen carefully to what everyone says in the courtroom and wait to speak until it is your turn. Take notes so that you have a record of what the other party is saying and to help with your response.
- ☑ Please do ask questions if you do not understand something or are confused about what you are required to do.

CHILDREN IN THE COURTROOM

Please do not bring your children to the courthouse, unless the court has ordered them to be present. Children do not belong in the courtroom, where they can see and hear things that are hurtful, confusing, and inappropriate for them. A courthouse is a dangerous and boring place for children.

If you feel you have no other options, you may call to find out if the courthouse you will be in has a children’s play area. If so, you will probably need to also bring an adult who is not part of the court proceedings to watch the children while they are in the play area.

A WORD ABOUT DRESS

Appropriate dress is required in the courtroom. You may not need to “dress up,” but it is important to dress nicely and with respect for the court.

Here are some things not to wear:

- hats;
- sunglasses;
- t-shirts with inappropriate messages, muscle shirts;
- gang colors/gang attire;
- tube tops/plunging necklines/bare midriff;
- shorts.

If you are not dressed properly, the court may have you leave and come back another day.

WHEN IT’S ALL OVER

Please remember that the court is not allowed to be on anyone’s side, but must give everyone a chance to tell his or her side of the story. It is unlikely you will get everything you want, whether you represent yourself or have an attorney.

Almost no one is completely happy with the outcome of a court case, regardless of who appears to “win.” The law may require the judge or magistrate to rule in a way that makes no sense to you; the law may prevent the judge or magistrate from ruling in the way you want. If you and the other party in the case cannot resolve your disagreement yourselves, for whatever reason, you will have to live with the court’s decision.

Once the court has made a ruling, that is the end of your case; you have had your chance.* Continuing to try to persuade the court, or anyone else in the case, to do what you want will not help you, and it could get you fined or put in jail. Regardless of the outcome, you should continue to treat the other people in the case and the court with respect: be a good loser and a good winner.

* In rare cases, you may be able to appeal a decision of the court.