

TIPS FOR REPRESENTING YOURSELF IN FAMILY LAW MATTERS

Should I Represent Myself?

Although you have an absolute right to represent yourself, there are significant risks and responsibilities which go along with that right. It is important that you carefully examine the risks at every stage of the court process to determine if you are able to go forward without an attorney. Family Law cases are often difficult because of the law, the facts and the emotions of the case. When children are concerned, the level of difficulty rises considerably. Neither the Clerks nor the Judges can answer legal questions on how to proceed. They cannot tell you what to do with your case. If you choose to represent yourself, be aware that you are solely responsible for your own advice and decisions. You are your own attorney and must act accordingly.

Before You Begin

- ◆ Keep all of your legal papers organized and in one place. You may need many copies of each document, and you will receive papers from the other party in addition to what you prepare. Use post-it notes, separate folders, color-coded folders or other methods to organize original documents for filing, your copies and other copies.
- ◆ Keep track of important dates in your case, such as filing deadlines, response deadlines, confirmation times, hearing dates and trial dates.

Preparing Your Forms

- ◆ Family Law Forms for Court Pleadings are available for purchase at the Clerk's Office. You can purchase individual forms or do-it-yourself packets that contain both forms and instructions.
- ◆ Family Law Forms for Court Pleadings are available on-line, but make sure they are current and that you print them correctly.
- ◆ It is a good idea to review all pleadings with the Courthouse Facilitator before going forward to make sure you have the right Form.

Preparing for Court Hearing

- ◆ **Getting a Hearing**
 - You must file a written Motion (that explains what you want and why), supporting declarations and other documents and a form that tells everyone when the Hearing will be held (Note for Hearing, Note for Motion Docket or Order to Show Cause). The originals of these documents must all be filed at the Clerk's Office.
 - Copies of all of your documents must be properly served on the other party, and you must file an Affidavit of Service that copies were served.
 - Copies of all of your documents must also be provided to the Judge. These copies are called "Bench Copies", and they are what the Judge will review before the Hearing - NOT the court file!
 - **YOU MUST CALL THE COURT TO CONFIRM THAT YOU WILL APPEAR AT YOUR HEARING NO LATER THAN NOON THE DAY BEFORE YOUR HEARING.**

- **On The Day of the Hearing**

- ◆ **BE ON TIME!** If you are late, your case may not be heard.
- ◆ **DRESS PROFESSIONALLY.** Your clothing should be neat and clean, and you should be well groomed.
- ◆ **Do Not** bring children into court.
- ◆ **Do Not** chew gum.
- ◆ **TURN OFF YOUR CELL PHONE(S).** Phones that ring or otherwise disrupt court proceedings may be confiscated until the end of the entire Calendar.

What Happens at a Court Hearing

The courtroom will be full of other litigants. Get there early. The Judge will call the cases by name, and you should respond that you are **present and ready to proceed**. If you do not see the other side in your case, you should ask the Judge to “**Poll the Courtroom**” for the other side.

If both sides are present, you will be assigned a number for argument. After all cases have been assigned numbers, the Court will take matters which are agreed or summary. After summary matters, the Judge will call cases in the order assigned.

Unless there is a Restraining Order in place, it is appropriate to seek out the other side before your Hearing starts and discuss what areas of agreement might be possible. That way you can focus the argument to those matters in dispute.

When your case is called, you walk forward to the Bar, behind which are sitting the Clerk and Judge. You can put your papers and notes on top of the Bar. Do not bring any food or drink up with you.

Oral Argument

The party who brought the Motion will go first. You have a maximum of 10 minutes to make your arguments. Don't waste your time. Consider carefully what you wish to say before coming to Court. Speak only to the Judge and not to the other party. Unless you have a legal objection, do not interrupt the other side. You will get your turn.

You cannot testify in your presentation. All of the facts of your story must be set out in the written materials you have already served and filed, including Bench Copies. Witnesses may not testify at Hearings. You must have a written Declaration or Affidavit from a witness for the Judge to consider what they might have to say. Neither side is permitted to surprise the other with information not previously disclosed.

Keep your argument simple: tell the Judge **what you want**, then tell the Judge **why you want it**, and then conclude with a summary of **what you want**.

After hearing from both sides, the Judge will give a decision. You should write down what the Judge says. Ask questions if you do not understand something about the ruling before you leave the Bar. A written Order must be prepared to reflect what the Judge ruled.

After Court Hearing

If you are the one seeking an Order of the Court, have a proposed Order with you so that the Judge's ruling can be set out in writing and filed promptly. If you did not bring a proposed draft Order with you, a Hearing may be set for the presentation of the written Order on a date certain in the future. You can make an appointment to see the Courthouse Facilitator for help.

If you disagree with the Judge's decision, you should consult the Court Rules or seek legal advice concerning your options, which may include revision, reconsideration and/or appeal. Getting a Judge's ruling reversed is usually because of an error or mistake made during the Hearing by a party or the Court. It will not be reversed simply because you disagree with the ruling.