

REQUEST FOR COUNSEL IN A CIVIL CASE  
WHEN CHARGED WITH CONTEMPT

If you have been served with contempt of court papers, you have a right to court-appointed counsel if you are indigent and unable to afford counsel.

Some Courts require you to request counsel within a certain number of days of receiving the paperwork. The way to request counsel and the time-limits for requesting counsel should be on the paperwork you received.

If you want to request counsel and believe you are unable to afford an attorney, you can use the attached form motion to request an attorney. The Court may ask you to provide proof of your income. Be prepared to provide it if requested.

**IN THE COURT OF COMMON PLEAS**  
**\_\_\_\_\_ COUNTY, OHIO**  
**DOMESTIC RELATIONS DIVISION**

\_\_\_\_\_  
*Name as it appears on your papers*

**Plaintiff**

**vs.**

**Case No.** \_\_\_\_\_

*Case Number from your papers*

**JUDGE** \_\_\_\_\_

*Name of Judge on your papers, leave blank if there is no Judge listed*

\_\_\_\_\_  
*Name as it appears on your papers*

**Defendant**

**MOTION FOR APPOINTMENT OF  
COUNSEL IN CONTEMPT ACTION**

1. I am the (Plaintiff or Defendant) in this action.  
*Circle the one that applies to you*
2. I am unable to afford the hiring of an attorney to represent me in this matter.
3. My only source of income is \_\_\_\_\_ and  
*List where your income is from - Social Security, SSI, employment*  
I receive \_\_\_\_\_ per month to support my household of \_\_\_\_\_.  
*Write in how much you get* *# of people you support*
4. I request the court appoint me counsel to defend me against the contempt alleged.

Respectfully submitted,

\_\_\_\_\_  
(Your Signature)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Telephone Where You Can Be Reached

**PROOF OF SERVICE**

I certify that a copy of the foregoing was served upon \_\_\_\_\_,

(Name of other party's Attorney or other party if not represented)

at \_\_\_\_\_, by regular U.S.

(Address of other party's Attorney or other party if not represented)

mail this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Date)

(Month)

\_\_\_\_\_  
(Your Signature)

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## Preparing Your Case

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If you do decide to represent yourself, you need to manage all aspects of your case.

- ✓ **Familiarize yourself with the local court rules.** Rules and procedures vary slightly from court to court, and you need to know the rules that apply in the court that will hear your case. **Obtain a copy of the local rules from your court.**
- ✓ **Make sure your filings and documents conform to local standards.** Generic forms and sample filings are available in books and on the internet. However, these generic documents may not conform to the standards of the court that will hear your case. To make sure that your documents will be accepted, ask your court for forms and sample filings.
- ✓ **Respond to all inquiries on time.** During trial preparations, you may receive inquiries from the court or the opposing party. For example, the opposing party may be entitled to “discovery”—to learn about evidence or testimony you plan to introduce (you may be entitled to the same). If you fail to respond to such inquiries, you may limit your ability to present your case.
- ✓ **Rules about admissible evidence are complicated.** There are many possible reasons that evidence or testimony you think is relevant and important may not be admissible in court. Since questions about what evidence is admissible are legal questions that are often contested, neither court staff nor the judge may answer them ahead of time. This can be frustrating for non-attorneys: if your case will involve contested evidence, consider again whether you need an attorney.
- ✓ **Make sure evidence you plan to use will be acceptable and available in court.** If your case will involve evidence—documents, pictures, cost estimates, receipts, or other items—you must prepare it for court use. In particular, you must
  - ♦ bring at least three copies of all documents (for the court, for the opposing party, and for yourself); and

- ♦ be able to verify that documents are what you say they are or contain accurate information.

- ✓ **Make sure any witnesses are prepared and available in court.** If your case will involve testimony from witnesses, you need to work with them before you and they appear in court. Make sure your witnesses know what you will ask, and instruct them to answer truthfully. And remember that your witnesses must be
  - ♦ present at your trial (they may not, for example, prepare written statements or appear by telephone); and
  - ♦ prepared to answer questions from the opposing party or his or her attorney.

When you decide to represent yourself, you take on full responsibility for your case. You need to handle legal questions as well as deadlines, documents, evidence, witnesses, and any other issues that may come up. Even a seemingly simple case can demand a lot of your time and attention.

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## In the Courtroom

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At the trial or hearing itself, you need to present your case in its strongest way. Here are some simple tips:

- ✓ **Make a good impression.** Dress appropriately. Arrive on time with all your materials.
- ✓ **Respect the court.** Stand when the judge enters or leaves the courtroom and when you speak to the judge. Address the judge as “Your Honor.”
- ✓ **Respect the opposing party.** Never argue with the opposing party in front of the judge. Use respectful terms of address.
- ✓ **Speak clearly and succinctly.** Be prepared to state your case in a few sentences. Listen carefully and answer questions directly.
- ✓ **Be prepared.** Courts are very busy. You want to present your case in the strongest way, but you also want to help the proceedings move efficiently. The better prepared you are, the better the case will go.

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## The Role of the Judge

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Your case will be heard and decided by a judge (or a magistrate). Keep in mind that the role of the judge is to be an impartial referee in the dispute between you and the opposing party. Among other things, this means that

- ✓ **The judge may not help you present your case.** Helping you—by pointing out possible mistakes or by letting you know what you need to do next—would be unfair to the opposing party. When you represent yourself, you take on the full responsibility of presenting your case.
- ✓ **The judge may not speak with you about your case when the opposing party is not present.** This is true even if the issue you want to speak with the judge about seems like a simple procedural question. Again, such communications would be unfair to the opposing party.
- ✓ **The judge will decide the case on the basis of the facts presented in court and the applicable law.** The judge may only consider the facts as they are presented in court, through evidence and testimony. You need to make sure that all facts supporting your case are properly presented. The judge also needs to follow the laws that apply. Sometimes the law dictates which facts the judge may and may not consider. You need to make sure that you present the facts that the law requires or permits.

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## Legal Advice

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**It is always a good idea to consult with an attorney and be represented by an attorney in court.**

- ✓ The law is complex. Attorneys are trained professionals who understand the law and how it relates to your case.
- ✓ Even matters that initially look simple may raise complicated issues.
- ✓ Your interests will be best protected by a legal professional.

**Attorneys can be expensive, but consider this:**

- ✓ What might you lose if your case goes badly? Paying for an attorney may be a good investment.
- ✓ Meet with several attorneys to discuss your case and their fees—don't let one consultation make up your mind.
- ✓ You may qualify for legal aid or help from legal clinics or other programs—be sure to investigate the resources in your community.

Ohio courts and judges will provide a fair hearing for your case whether or not you are represented by an attorney, and it is your right to represent yourself if you so choose.

When you bring a case to court without the help of an attorney, you are taking on a complex task that is normally done by highly trained professionals. You may do yourself a disservice.

For help with finding an attorney, you might turn to your local bar association. Your local bar association is:

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## Asking Court Staff

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Court staff may not give legal advice. You may have questions that court staff are not permitted to answer.

- ✗ **Court staff may not**
  - ✗ provide you with legal research;
  - ✗ tell you what sorts of claims to file or what to put on forms;
  - ✗ tell you what to say in court;
  - ✗ give an opinion about how a judge is likely to decide your case;
  - ✗ give you information that they would not give to the opposing party;
  - ✗ tell you about a judge's decision before it is issued by the judge.
- ✓ **Court staff may**
  - ✓ answer questions about how the court works;
  - ✓ explain terms used in the court process;
  - ✓ give you information from your case file;
  - ✓ provide you with court forms and sample filings and documents.

Court staff are there to help those who use the court. They can usually tell you *how* to do things, but **may not** advise you about *what* you ought to do. Please be courteous to staff and respect the limits on what they may do for you.



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# REPRESENTING YOURSELF IN COURT

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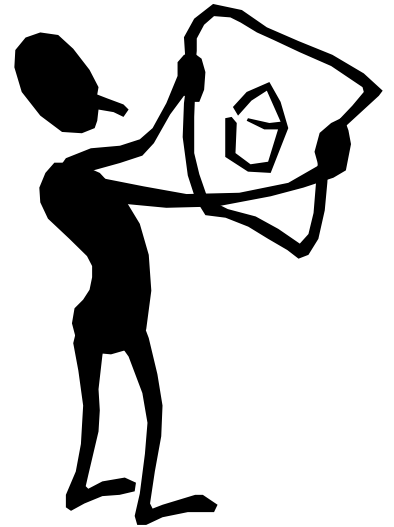
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## A CITIZENS GUIDE



# Representing Yourself in Court?

How to Use Photographs,  
Letters, Business Records,  
and Other Evidence to Help  
Prove Your Case



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## What is Evidence?

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Evidence is anything you use to prove your claim. Evidence can be a photograph, a letter, documents or records from a business, and a variety of other things. All evidence that is properly admitted will be considered by the judge.

*Your case probably will be decided by a judge. If there is a jury, it will look at admitted exhibits during its deliberations.*

For example:

- **In a request for change of custody**, the child's school records could be introduced as evidence that the child's grades have dropped or he/she has missed a significant amount of school while living with the other parent.
- **In a domestic violence or stalking civil protection order case**, a photograph of any injury you suffered or a threatening letter written by your abuser may help your case.
- **In a divorce case**, a copy of tax return documents or documents showing who has title to a car may be introduced as evidence.

## Why Use Evidence?

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- ➊ Evidence is more **believable and trustworthy** than what a person says. For example, in a domestic violence case, if you say that your ex-boyfriend has left you threatening messages but he testifies that this is an absolute lie, the judge may not know whom to believe. However, if you submit a tape recording of one of these messages the judge will be more likely to believe you.
- ➋ Evidence may make something **easier to understand**. “A picture is worth a thousand words.” Some things are hard to explain in words, while a drawing or photograph is descriptive and clear.

## How Do I Present Evidence to the Court?

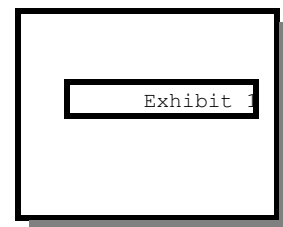
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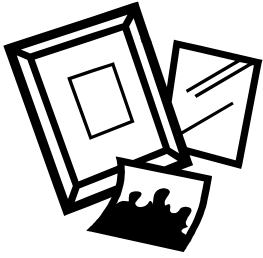
Each court is different, but in most courts, you can't just walk into court with a photograph or document and show it to the judge or jury. There are many things you must do before the court will even look at the evidence you have. Further, there are many different types of evidence, and the rules for using each type of evidence are different. Once you follow these rules, your evidence will be “admitted”.

### Steps to Follow to Admit Evidence

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- ➔ Before you ever go to court, think about the evidence you want to use to prove your case. Mark each piece of evidence with an exhibit number (attach a sticker labeled “Exhibit 1,” “Exhibit 2,” etc.)
- ➔ Bring these marked Exhibits with you to court. When you want to show the court one of the exhibits, do the following things:
  - ➊ Show the exhibit to the other party or the other party's attorney.
  - ➋ Then “lay the foundation” for the evidence. To do this, you must show that the evidence is relevant to your case and authentic (not a forgery). Depending upon what you want the court to consider, follow the rules listed in this pamphlet for “laying the foundation” - explaining why and how the exhibit is connected to your case.
  - ➌ Either you or your witness must testify about the exhibit.
  - ➍ Ask the court to admit the exhibit into evidence. The other party or attorney may object to the exhibit for some reason. Try to answer these objections as best you can. If you can't, let the judge decide.
  - ➎ If there are no objections from the other party, or the judge has ruled in your favor, ask the court to “admit the Exhibit into evidence.”





## Laying the Foundation for Photographs

1. Explain why a photo is connected to your case. For example:  
“This photo shows the injury I suffered after my ex-boyfriend punched and kicked me.”
2. Explain how you know about what is in the photo. For example:  
“I had my sister take this photograph within 2 hours after the incident occurred and went to get the film developed myself the following day.”
3. Explain that the photo is timely. For example:  
“At the bottom right-hand corner of the photo is the date on which it was taken. As you can see, the photo was taken on the same day that the incident occurred, which is also the same day the police arrested my ex-boyfriend.”
4. Explain that the photo “fairly and accurately” shows what is depicted in the photo as it appeared on the date relevant to your case. For example:  
“This photo is a fair and accurate depiction of how my face and side looked two hours after the incident and for the next two weeks.”

### **TIP**

When using photographs, it is best to use color photos and enlarge them, if possible.

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## **Foundation for Letters**

1. Explain why the letter is connected to your case. For example:  
“This is the letter that I received from my ex-boyfriend shortly before he beat me up.”
2. Explain when and how you got the letter. For example:  
“This letter was shoved under the door to my apartment some time before 6 p.m. on Wednesday, January 2, 2001. I found it on the floor when I came home from work that day.”
3. Prove that the signature is that of a party to the case. Ways to prove this:
  - **Explain to the court: that you are familiar with the other party’s signature, how you came to know that person’s signature, and that it is your opinion that the signature on the letter is the other party’s signature.**





- **Call a witness who is familiar with the party’s signature, and ask the witness:**  
“Do you know the other party in this case? Are you familiar with the party’s signature? How?”

Then show them the letter and ask “Is this the other party’s signature?”

- **Call the person who signed the letter.**  
Show the witness the document, and ask the witness if that is his or her signature. (Only do this if you think they will admit to it).

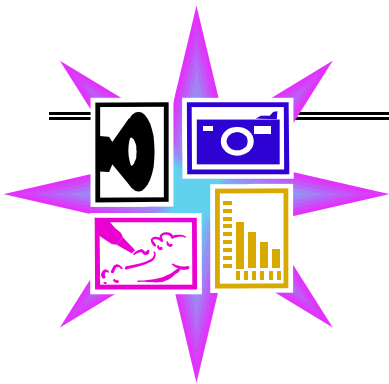
4. Explain that the letter is in the same condition now as when you received it. (“The letter was kept in a safe place and nothing has been changed since I received it.”)

### **TIPS**

Do not read anything from the letter until the court has admitted it into evidence.

If the other party objects to the letter saying that it is hearsay, respond by saying: “The letter shows the letter writer’s state of mind.”

## **Laying the Foundation for Documents and Records From Businesses**



1. Explain how the document or record is related to your case.
2. Call a witness from the business/agency that produced the record, ask the witness what his or her responsibilities are at the business/agency and how he or she is involved in record keeping.

3. Show the witness the record and ask him/her if it is a record from the business/agency.

4. Ask the witness:
  - Was the record made by a person with knowledge of the acts or events appearing on it.
  - Was the record made at or near the time of the acts or events appearing on it.
  - Is it the regular practice of the business/agency to make such a record, and
  - Was the record kept in the course of a regularly conducted business activity.

### **TIP**

If the record is certified (a statement is attached to the record stating that it is in fact a record from a public agency or it has an agency seal on it) you do not need to do anything before you show it to the judge. Just let the judge know it is certified.

In addition to the forms in this packet, you may find additional forms and informational pamphlets to help you on the internet at the following website:

[www.ohiolegalhelp.org](http://www.ohiolegalhelp.org)

Click on “Statewide Forms and Information”

Locate and click on the legal area that you would like to review – use the “search this site” box if you are not sure which area to review

You can also search this website to learn how to access the local legal services program for your area