

# THE ROLE OF THE JUDGE

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 that judge may and may not consider. You need to make sure that you present the facts that the law requires or permits.



### VISIT US:

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For further information or to locate an Outreach Event, visit us at:  
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 CONSTITUENT  
 AT A TIME.**

# REPRESENTING YOURSELF IN COURT

**MIKE FOLEY**

MONTGOMERY COUNTY  
 CLERK OF COURTS



# PREPARING YOUR CASE

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.
- Make sure your filing 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.
- 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.
- 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 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 of 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 case can demand a lot of your time and attention.



## IN THE COURTROOM

- At the trial a 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.