



Tip of the Month February 2010
Ten Suggestions for Attorneys Advising
***Pro Se* Parties Appearing In Court**

Submitted by Judge Bruce A. Peterson

1. Tell *pro se* litigants to read the previous orders in their case carefully so they know what has already been decided and what their obligations are for the upcoming court appearance.
2. Assist *pro se* litigants to clearly state the legal principle they are trying to establish and the facts that support it. Their court papers should clearly state this principle and these facts.
3. Make sure the *pro se* litigants understand that they are asking the judge to order a specific solution, not presenting a problem to the judge and asking him or her to solve it. It can focus their thinking if they have a proposed order for the judge to sign.
4. Help them identify documents that support their position (e.g. police reports, leases, receipts, tax returns, contracts and agreements, text messages and e-mails). Remind the *pro se* litigants to submit those documents with their motion papers or to bring those documents to court for the hearing; it will usually be too late to ask the judge to look at something after the hearing. *Pro se* litigants need to know that they must bring copies of all exhibits they intend to introduce and exchange them with the opposing party. Remind them to make copies for themselves, as all original exhibits are retained by the court after trial.
5. If the hearing is a trial or evidentiary hearing, inform the *pro se* litigants to have their witnesses present and ready to testify. The judge will probably not accept letters or witness statements in place of live witnesses.
6. Emphasize to the *pro se* litigants that the judge will make a decision based upon the record (witnesses and exhibits) presented in the courtroom and, except in rare circumstances, will not conduct additional investigation or independent research. They should not assume that documents previously submitted to the court are part of the record for the current hearing.
7. Remind them that they will be given a chance to speak in court and that they need to wait their turn and not interrupt the other party. Being polite and respectful is a better tactic than being belligerent and argumentative. On the other hand, they should not be a push-over. If they haven't gotten a chance to say something important, tell them to ask the judge for a chance to speak once again.
8. Emphasize the importance of talking to the judge and not the other party.
9. If something comes up at the hearing that they are not prepared for, such as an unexpected legal argument that they do not understand or some new facts that they were not aware of, tell them to ask the judge for permission to submit a statement after the hearing responding to the new issues. They should again consult with a (volunteer) attorney before submitting their statement.
10. Remind them to promptly inform the judge's chambers of any change in their mailing address or telephone number; they need to know that it is essential that the court be able to contact them. Failure to keep the court apprised of their contact information could cause them to miss importation information or court deadlines.