

II. DECIDING WHETHER TO REPRESENT YOURSELF

A. Do I have to have a lawyer or can I represent myself?

You have a right to represent yourself in court in a civil case. If you choose to represent yourself, the court will hold you to the same standards as if you were a lawyer.

Some cases are simple and straightforward. Others are complex and difficult. You need to consider the complexities and specific issues involved in your case and what is at stake for you when deciding whether to go ahead without a lawyer. If you find, as your case proceeds, that representing yourself is too difficult, you may have the option at that time to hire a lawyer to represent you.

B. What should I consider before deciding to represent myself?

How hard it will be to represent yourself depends on your individual case. Many people have successfully represented themselves. Others have gone to court and found that their case was more complicated or that the court process was more difficult than they expected.

These are some things to consider when deciding whether to represent yourself:

- **Are you good at completing paperwork?** For example, do you complete your own income tax forms? In most cases, there are forms to be completed. In addition, there are times when you must tell the court what you want in a written document called a “motion.” You must create these written documents without the court’s assistance. All forms and documents filed with the court should be easy to read - typed if at all possible - and must comply with court rules.
- **Are you good at meeting deadlines?** Courts run on a schedule. You will need to meet the court’s deadlines. Regardless of your other commitments, including your job, your childcare arrangements and other personal responsibilities, you must appear in court whenever you are scheduled to do so. If you do not comply with court deadlines and court procedures, there will be consequences and you may lose your chance to have your case heard by the court.
- **Are you comfortable speaking in public?** You will need to be able to tell your story in a formal setting in front of other people. The judge, the opposing party, or his or her lawyer, may ask questions and challenge your version of events. Some issues are very emotional, and you will need to remain calm.
- **Do you have written documents or witnesses to help you present your story?** You need to gather all documents related to your case, organize them and bring them to court. You will also need to prepare your witnesses to testify.

There are complex rules of evidence that govern whether you can present this information in court, and if so, how to present it.

- **Are you prepared to spend time looking things up in a library or on the Internet?** Most cases require learning about the law, procedures and rules. You may need to do research on a wide variety of issues, including whether your problem is one the court can help resolve and how to present your case to the court.
- **Does the other side have a lawyer?** Lawyers are trained professionals. Many spend years learning how to present cases in the courtroom and studying the law. Although you may be able to handle your case, if the other side has a lawyer, it may be more difficult for you.

C. What if the other side has a lawyer and I don't?

In a civil case it is not unusual for one side to have a lawyer while the other side does not. If you do not have a lawyer but the other side does, you need to understand these things about that lawyer's role:

- ✓ The lawyer's responsibility is always to his or her client, that is, the other party. The lawyer must do what is best for his or her client.
- ✓ It is not the other side's lawyer's responsibility to help you with your case. In fact, the lawyer for the other side should not give you any advice except to get your own lawyer and is not allowed to tell you what he or she thinks the judge will do.
- ✓ The lawyer should not pressure you or suggest that you take any particular action. Do not rely on advice from a lawyer who is representing the other side.

This does not mean that the lawyer for the other side cannot talk to you. The other side's lawyer will have to talk to you in order to represent his or her client. He or she can express an opinion, argue for a particular outcome and try to negotiate a settlement. You are always free to disagree. If you feel pressured by the lawyer on the other side, you should tell the judge.

Representing yourself when the other side has a lawyer can be intimidating, especially if the case goes to trial. Be aware that in many civil cases, there are ways to resolve a case without going through a trial. You can get a third party involved to help you and the other side resolve the case. This could be a probation officer, housing specialist or other person who works for the court, depending on what court you are in and what type of case you have. It could also be someone from outside the court, if the parties agree. You and the other side might decide to take advantage of alternative dispute resolution services, commonly referred to as ADR services. See Section X: *Settling the Case*.

D. Can I hire a lawyer to handle part of my case?

In some circumstances, it may be possible for you to hire a lawyer to handle only part of your case. In a few of the courts, lawyers are permitted to provide "limited assistance representation." Limited assistance representation means that the client and the lawyer have agreed that the lawyer will perform specific tasks on the case, but the client will be responsible for other tasks. For example, the client and the lawyer may agree that the lawyer will provide legal advice on one or more issues, or will prepare or review certain documents - but that the lawyer will not go to court or assist the client in other ways. The client and lawyer also may agree that the lawyer will appear in court for one or more events, but not for the whole case.

In courts where limited assistance representation is permitted, it still may not be suitable in a particular case. If you are considering hiring a lawyer to handle only a portion of your case, you should check with a lawyer to find out whether it is allowed and whether it makes sense in your case.