

COLLIN COUNTY COURT AT LAW 5

INFORMATION FOR SELF-REPRESENTED (*PRO SE*) LITIGANTS IN CIVIL CASES

If you represent yourself in Court in a civil case, you are called a "*pro se* litigant" ¹ or a "self-represented litigant." ²

People (not entities)³ have a legal right to do this (i.e., represent themselves). However, because the applicable rules and law can be complex, we strongly suggest that you retain an attorney, or at the very least, consult with an attorney.

As a *pro se* litigant, you are acting as your own attorney. You will be expected to know and follow the rules and law that apply in your case, just as any attorney would be, including the Texas Rules of Evidence, Texas Rules of Civil Procedure, the Lawyer's Creed, and any codes or statutes which apply to your case. If you fail to follow the applicable rules or law, you may permanently lose important rights.

Our court system was designed for attorneys. Most unrepresented people have a difficult time navigating the system. Without the advice and assistance of an attorney, self-represented litigants may not be able to effectively advocate for their rights. They may also fail to follow the proper rules and procedure to get their case heard or resolved in court.

The judge, court staff (including the court coordinator, court clerk, court reporter and bailiff), and opposing counsel cannot help you figure out the complexities. Nor can they give you legal advice (e.g., offer interpretation of rules; recommend a course of action; predict a judicial officer's decision, interpret the meaning or effect of any court order or judgment, etc.). The judge, court staff and clerks are neutral, do not "represent" any party, and cannot help you figure out what to do.

Your failure to follow the Rules (and deadlines set out in the Rules) can result in the loss of important rights, including but not limited to the right to present evidence or witnesses. Your failure to follow the Law may result in loss of your case because there was something which you failed to prove up through admissible evidence.

You are expected to read, understand, and follow the Texas Rules of Civil Procedure. A copy of the Rules can be purchased online and can be reviewed without cost in the Collin County Law Library. There are many important Rules of Procedure. Some of them are Rules 21, 21a, 47, 86, 99, 106, 165a, 166a, and 190-194. This list is not complete. At trial or at any hearing, you will be expected to follow the Texas Rules of Evidence. These are also available online or in the Collin County Law Library.

¹ "*Pro se*" is a Latin term, meaning "on one's own behalf."

² A "litigant" is a person that is either suing someone in court (e.g., the "Plaintiff") or is being sued in court (e.g., the "Defendant"), that is they are a party to the lawsuit.

³ Entities typically cannot be self-represented and must have an attorney. Corporations, for example, cannot be self-represented.

By way of example, the Texas Rules of Civil Procedure contain “discovery” rules and “disclosure” requirements which you will be expected to know and follow. Failure to comply with these rules can have serious adverse consequences, including your being prevented from presenting evidence or calling witnesses in court and having facts against you deemed as admissions

The Law means the law contained in cases, statutes, regulations, and constitutions. It is often discussed and summarized in Law Review Articles, Treatises, and Encyclopedias. There are many books which can help you but it is your job to find the right ones and obtain and read them. The Law Librarian can show you some of these that lawyers often use but they cannot provide you legal advice and are not a substitute for legal counsel.

You may communicate with the judge if all parties and their attorneys (if they are represented) are present. Do not attempt to communicate privately with the judge. The term “communication” includes contact by means of phone calls, letters, voice mail messages, faxes, e-mail messages, and direct conversations. Any such unilateral contact is called “ex parte” communication and the judge will not consider it or any information or argument offered in such a manner for any purpose. The court will return an ex parte communication to you unread and/or notify the other side of the communication. Prohibited communications do not include formal pleadings, motions, and request for relief filed with the clerk.

It is your responsibility to provide the Court with a current and reliable mailing address and telephone number. Once you file your pleadings in the case, the clerk will notify you by mail of hearings and/or motions. If you move, you must provide your new address and telephone number to the clerk and the court. If you move and you do not get your mail, you may permanently lose important rights.

Your requests to the court should be made in a written motion.

You must send a copy of every pleading you file with the court to the opposing attorney, or party (if they do not have an attorney).

If you have received notice that a hearing has been scheduled, you must be prepared to present your evidence and witnesses.

How to Get Ready for Court – You can go to court yourself and watch other cases before yours is scheduled. If you do this, you will see how the court works, where everyone sits and what they do and say. Plan to do this a few days or weeks before you have to go to court.

The Hearing - At the hearing, the judge will hear your case. Each party will have a chance to tell his or her side of the story. It is important to bring your paperwork and your evidence such as photos, witnesses, bills, receipts, contracts, or anything else that will prove your case.

How to Dress - Dress as though you were going to an important job interview. Be neat and clean. Do not wear shorts, flip-flops, tank tops, halter tops, sandals, hats, or other casual clothing. The court will order you removed from the courtroom if you are dressed inappropriately; this may result in a default of your case.

Timeliness - Always get to court on time. A good rule of thumb is to arrive at least thirty minutes early in order to allow for time to locate parking, clear the security check and locate the proper courtroom.

Courtroom Demeanor -You and your witnesses should be quiet in court.

- ☐ **DO** not smoke or chew gum.
- ☐ **DO** turn off cell phone, pagers or other audible nuisances when you are in the courtroom.
- ☐ **DO NOT** go in and out of the courtroom while waiting for your case to be called.
- ☐ **DO NOT** bring children to court unless they have been subpoenaed.
- ☐ **DO**, when presenting your case or addressing the court, speak clearly and loudly enough to be heard.
- ☐ **DO** stay calm.
- ☐ **DO** stand when speaking to the judge.
- ☐ **DO** call the judge "Your Honor."
- ☐ **DO NOT** interrupt the judge, the attorneys or any other party in the courtroom.

Resources for self-represented litigants may be found in the Collin County Law Library (e.g., Texas Rules of Civil Procedure and Evidence, form books) and at CCL5's web portal under the "*Useful Links*" heading.

In summary, even though you are not a lawyer, you will be expected to follow the Rules. Even though you are not a lawyer, you will be expected to know the law pertaining to evidence and the substance of your case. Violations of the rules and any of the above guidelines may result in sanctions being granted against you.

This information is not intended as legal advice but for general information purposes only.