

Centre County Court of Common Pleas

SELF REPRESENTED LITIGANTS READ THIS HANDOUT!!!

RULES & PROCEDURES FOR ONE OR BOTH PARTIES REPRESENTING THEMSELVES

BE PREPARED FOR COURT!

- 1) Have all witnesses present to whom you desire to pose questions. Failure to do so may invite hearsay objections by the opposing party for any out-of-court statements (written or verbal) to which you might refer while in the hearing.

- 2) Have all physical evidence (papers, text messages, photographs, medical records, etc.) you desire to present at the proceeding with you in the courtroom.
 - a. All evidence you desire to introduce as evidence for the Court's consideration will be kept by the Court for the case file. Be sure you have copies for your own records. (If you have text messages on cell phones, you must reduce the text messages to written form on paper before the time of trial for the Court to possibly consider and to include in the case file).

 - b. You should provide a copy of the evidence to the opposing party for that party's records, and at the time you offer evidence to the Court, you must show the opposing party the evidence you are trying to present to the Court.

- 3) If you choose to represent yourself, be aware that you are required to know the law, trial procedure and rules of evidence.
 - a. The moving party¹ has the burden of proof. The burden of proof is the measure by which the evidence will be decided. Know what you must prove under the appropriate body of law and what your standard of proof is. Prior to the hearing, you may want to hire an attorney, consult with an attorney, and/or use a free legal website

¹ The moving party often is the Petitioner and may be but is not always the Plaintiff.

b. The opposing party² must be prepared to show or explain how the moving party has not met the burden of proof. Respondent may also wish to hire an attorney, consult with an attorney, and/or use a free legal website.

c. Parties must be prepared to present any information requested by the Court.

- 4) Have a note pad and pen for note-taking.
- 5) If the parties wish to try to resolve the issue, alert the Court at the beginning of the hearing.
- 6) If the moving party wants to dismiss the action alert the Court at the beginning of the hearing.
- 7) Remove hats, gum and tobacco before entering the courtroom. No food or drinks are permitted in the courtroom. Cell phones must be muted. Instruct your witnesses to do the same.
- 8) The moving party sits at the table closest to the jury box.
- 9) Either party may (but does not have to) invoke the rule to sequester (separate) witnesses which means that all witnesses other than the parties to the action must remain outside the courtroom until they are called to testify. Under this rule, the witnesses are not permitted to discuss any aspect of the case with others while they are waiting to testify.

GENERAL TRIAL PROCEDURE:

- 10) Each party has an opportunity to present a case.
 - a. The moving party presents his/her case first.
 - b. The opposing party presents his/her case second.

² The opposing party is often the Respondent and may be but is not always the Defendant.

- 11) After one party's witness testifies, the opposing party may cross-examine that witness. Cross examination consists of QUESTIONS ONLY. The cross-examining party may not provide more testimony during cross-examination.
- 12) Physical evidence must be offered to the Court through the testimony of a party or another witness. Introduction of evidence during an opening or closing statement is not proper and is not permitted or considered by the Court. Failure to present physical evidence during your case, or cross examination of a witness will likely result in the evidence not being considered by the Court. (You are responsible for knowing the evidentiary requirements to get a piece of evidence introduced and admitted into evidence).
- 13) Either party may object during the testimony of the other party's witness. If there is an objection, all parties must stop talking so the Court can rule on the objection and so the Court reporter can maintain a clear record of what is being said and by whom. Do not continue speaking or present another question to the witness until the Court rules on the objection or otherwise permits you to continue.
 - a. SUSTAINED: the witness may not answer the question
 - b. OVERRULED: the witness may answer the question
- 14) The Court may allow a brief closing statement by each party after both parties have presented all their witnesses. The closing statement is an opportunity to sum up what the evidence did or did not show, and an opportunity for you to tell the Court what you are requesting. The Petitioner gives a closing statement first and the Respondent goes second.

OTHER: COURTROOM ETIQUETTE

- 15) Stand when the judge enters and exits the courtroom.
- 16) Do not interrupt the judge when he or she is speaking. Wait to hear all that the judge has to say.

- 17) Do not turn toward the other party to present questions to that party; rather, issue your questions generally and in the direction of the judge. The judge may rephrase the question to bring it into conformity with standard rules of evidence or to make it clearer.
- 18) No one may sit with you at counsel table except an attorney, if you have one.
- 19) Review the other documents provided with this handout.

This handout, and the "Exhibit" concerning "Orders for Self-Represented Litigants", is meant to be a general guide for the self-represented litigant, and is not legal advice. It is not an exhaustive list of which the self-represented litigant must be aware. Litigants should consider retaining, or at least consulting with, an attorney for relevant legal advice.

ORDERS FOR SELF REPRESENTED LITIGANTS (EXHIBIT A)

IN ORDER TO BE LICENSED AS AN ATTORNEY IN THE STATE OF PENNSYLVANIA PERSONS UNDERGO YEARS OF EDUCATION. THEY ARE REQUIRED TO SUCCESSFULLY PASS A VIGOROUS PROFESSIONAL WRITTEN EXAMINATION AND MUST CONTINUE TO TRAIN IN THE LAW. THEREFORE, IF YOU CHOSE TO REPRESENT YOURSELF WITHOUT THE BENEFIT OF THIS SPECIALIZED EDUCATION AND TRAINING, YOU ARE AT A DISTINCT DISADVANTAGE.

MOST INDIVIDUALS SEEKING A MEDICAL REMEDY FOR A MEDICAL PROBLEM WILL CONSULT A MEDICAL EXPERT – A DOCTOR. YOU ARE SEEKING A LEGAL REMEDY FOR A LEGAL PROBLEM; IT IS RECOMMENDED THAT YOU CONSULT A LEGAL EXPERT – A LAWYER.

IF YOU ARE UNABLE OR UNWILLING TO OBTAIN AN ATTORNEY IN A CIVIL CASE, THE COURT IS NOT PERMITTED TO PROVIDE AN ATTORNEY FOR YOU.

IN THE EVENT THAT YOU PROCEED TO REPRESENT YOURSELF WITHOUT AN ATTORNEY, YOU ARE OBLIGATED AND BOUND TO FOLLOW THE LAWS AND PROCEDURES PRESCRIBED BY STATUTE OR RULE. FAILURE TO FOLLOW THESE STATUTES AND RULES CAN RESULT IN DEVASTATING CONSEQUENCES.

CIVIL SELF REPRESENTED LITIGANTS MUST COMPLY WITH THE FOLLOWING
ORDERS THROUGHOUT THIS CASE

1. SELF-REPRESENTED LITIGANTS ARE BOUND TO FOLLOW THE APPLICABLE RULES OF LAW INCLUDING BUT NOT LIMITED TO THE LAWS OF THE STATE OF PENNSYLVANIA, RULES OF EVIDENCE, RULES OF CIVIL PROCEDURE AND LOCAL RULES OF COURT.
2. SELF-REPRESENTED LITIGANTS ARE REQUIRED TO COMPLY WITH ALL ORDERS OF THIS COURT, INCLUDING, BUT NOT LIMITED TO, STANDING ORDERS, COURT RULINGS, TRIAL AND FINAL PRETRIAL ORDERS.
3. WHERE PLEADINGS ARE FILED OR REQUIRED, SELF-REPRESENTED LITIGANTS ARE REQUIRED TO CONFORM TO THE RULES GOVERNING THE CONSTRUCTION, FILING AND SERVICE OF SAME INCLUDING NOTICE TO THE OPPOSING PARTY.
4. SELF-REPRESENTED LITIGANTS ARE ORDERED THAT THEY MAY NOT SEEK LEGAL ADVICE FROM THE COURT OR COURT STAFF, AS THE COURT AND STAFF ARE PROHIBITED FROM PROVIDING LEGAL ADVICE.
5. SELF-REPRESENTED LITIGANTS ARE ORDERED TO FAMILIARIZE THEMSELVES WITH PROPER TRIAL PROCEDURE, INCLUDING THE CALLING OF WITNESSES, THE PRODUCTION OF EVIDENCE AND ALL APPLICABLE LAW.
6. SELF-REPRESENTED LITIGANTS ARE ORDERED TO APPEAR IN COURT AT ALL TIMES ORDERED BY THE COURT; TO BE DRESSED APPROPRIATELY FOR COURT; TO BRING PAPER AND PEN/PENCIL FOR PROCEEDINGS IN ORDER TO TAKE NOTES; TO BRING ALL MATERIALS TO WHICH YOU INTEND TO REFER, ETC.
7. SELF-REPRESENTED LITIGANTS ARE ADVISED THAT COURTEOUS CONDUCT IS EXPECTED OF ALL PARTICIPANTS. NO ONE WILL BE PERMITTED TO ARGUE WITH COURT RULINGS OR OTHER PARTICIPANTS. NO ONE SHALL INTERRUPT THE COURT OR OTHER PARTICIPANTS, EXCEPT TO STATE AN OBJECTION ON THE RECORD. FURTHER, ALL PARTICIPANTS MUST STAND WHEN ADDRESSING THE COURT IN THE COURTROOM.
8. IN THE EVENT YOU MAKE AN OBJECTION ON THE RECORD, YOU ARE ORDERED NOT TO GIVE THE REASON FOR THAT OBJECTION UNLESS ASKED TO DO SO BY THE COURT. IF ASKED, BE PREPARED TO EXPLAIN THE REASON AND LEGAL BASIS FOR THAT OBJECTION.