



GOING IT ALONE

Many people with legal problems hire attorneys to help them. Some people cannot afford to hire attorneys. Others decide they can take care of their legal problems on their own. People who handle their legal problems without the help of attorneys are sometimes called “pro se” or “self-represented” litigants.

Attorneys are people who have legal training and are licensed to practice law. They can tell you the law that applies and the rules that must be followed. Attorneys have experience dealing with other attorneys, judges, court clerks, jurors, witnesses and other people who may be involved in your case. By choosing to represent yourself, you will be giving up the knowledge and experience that only an attorney can offer. You will also be giving up the advantage of having a professional advocate who can give you legal advice, go to court with you, and speak on your behalf.

The decision to go it alone can be hard to make and should never be taken lightly.

Is There a Way to Solve my Legal Problem Without Going to Court?

There is a process called **mediation** that you may be able to use to solve your legal problem without going to court. Mediation gives people a chance to sit down with a mediator in an informal setting to try to work out their problems. A mediator is a trained problem solver who will help you and the other side reach an agreement. Unlike a judge, a mediator will not make a decision for you. He or she will help you and the other side think of possible solutions that you can both agree on. Although mediators usually charge a fee for their services, mediation could save you time and money in the long run. Check with the Clerk of Court in your local courthouse for information about mediators in your area. You can also call the **Montana Mediation Association** at **406-750-8813**.



Is my Legal Problem Simple Enough to Handle Without an Attorney?

People without legal training may be able to handle simple legal problems on their own. However, representing yourself can be risky. Some cases are much more complicated than people think they are, and cases that are simple in the beginning may become complicated later on. It is harder for people who do not have legal training to figure out if a case is simple enough to handle without an attorney, especially if everything they know about the law they learned from watching television. Going to court is not as easy as it seems on T.V.

If you cannot afford to hire an attorney to help you with your case from beginning to end, you may be able to find an attorney who can help you with the difficult and important decision of whether you can go it alone. Keep in mind that an **attorney** is trained to spot problems with your case that you may not think about,

and to offer advice about how to avoid or solve those problems. If you make mistakes representing yourself, you may need an attorney to fix them. Hiring an attorney to fix mistakes after-the-fact can end up costing you more than having an attorney represent you from the beginning.

Will I be Able to Handle My Own Case?

Before deciding whether to go it alone, there are certain questions you should ask yourself. Your answers to these questions will help you decide whether you will be able to handle your case on your own.

- **Am I Good at Meeting Deadlines and Being on Time?**

If you decide to represent yourself, you will be expected to meet **deadlines** for filing paperwork and doing other things that need to be done at specific times to move your case along. You will also be expected to be on time for court hearings and certain meetings with other people involved in your case. Although a daily calendar with reminders of important dates can help, people with trouble meeting deadlines and being on time may need the assistance of an attorney to make sure that things are done when they are supposed to be done.



- **Can I Leave Work During the Day?**

You will need to be at the courthouse during the normal **workday** to file paperwork and be at hearings. There may also be meetings with other people involved in your case that you will have to attend. If you work during the day or if you do not have a way to get to where you need to be on time, you may want to consider hiring an attorney. Having an attorney represent you may mean that you will need to be away from work less often and that you will need to worry less about reliable transportation. If you decide to go it alone, visit the courthouse ahead of time so you know

how long it takes to get there. At the courthouse, look around so you know which courtroom you will need to be in. If court is in session when you visit the courthouse, sit in the courtroom and watch how other cases are handled. The more you know beforehand, the better prepared you will be when your court date arrives. You should also try to visit the places where meetings are going to be held before the meeting dates.

- **Can I Understand and Fill Out Complicated Forms?**

Court forms can be difficult to understand and fill out. You will need to read instructions carefully and make sure to follow them step-by-step. If you have trouble understanding, filling out and filing your own income tax forms, you will probably need help with **court forms**. This is something an attorney can do. There may also be community service organizations, legal service programs or self-help programs that can help you with your forms.



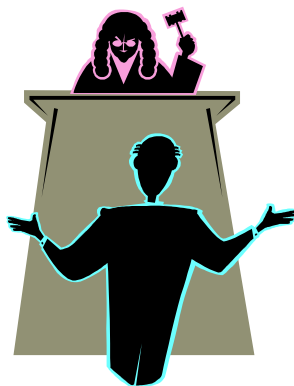
- **Do I Have the Time and Skill to Learn About the Law that Applies in my Case and the Rules that I Have to Follow?**

If you do not have legal training, you will probably not know the **law** that applies in your case or the **rules** that you have to follow. Finding that information will mean having to do research in a library or using a computer, which could take a lot of time and patience. You may also be unsure what forms you need to file to start your case and what you need to do to keep it moving along. There may be standard forms that you can find using a computer or get from the court, a community service organization, a legal service program or a self-help law program. However, you may still have questions about what you should do that only an attorney can answer. If you do not have the time or skill to learn what

you need to know about your case, you may not be able to represent yourself successfully. An attorney is trained to know the law that applies in your case and the rules that must be followed. An attorney is also trained to figure out the best arguments to make, which you may miss if you represent yourself.

- **Can I be Calm and Speak Clearly When I Attend Meetings and Go to Court?**

Being involved in a court case can be **difficult** and **stressful**. If you are angry with someone involved in your case or upset about what is happening, you may find it hard to control your emotions. If you represent yourself, you will have to go to court and you may have to attend meetings. When you are in court or at meetings, you will need to be calm and to speak clearly about your case. If you do not have an attorney, you cannot count on the judge or anyone else to help you out or to speak for you. If you decide to go it alone, you should make notes about what you want and why you should get what you want so you can explain yourself clearly. The court has a limited amount of time to hear what you have to say. If you do not make your points within the amount of time allowed, you may not get another chance. Be sure to practice your presentation with family and friends.



- **Do I Have Trouble with Rules that I Think are Unfair or that I Think Should Not Apply to Me?**

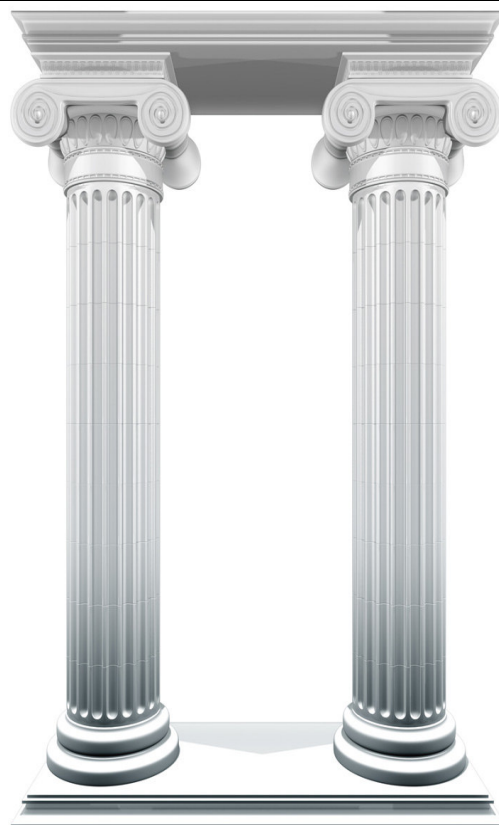
There are rules that everyone involved in a court case must follow. Although these rules may not make sense to you or may seem unjust, they are meant to make the case fair to both sides. Some people have trouble following rules that they do not understand or that they think are unfair. While you may be able to find the rules on your own, attorneys are

the only ones who are allowed to interpret the rules for you and tell you whether, how and why they apply in your case.

- **Can I Make a Decision and Stick to It?** Once you file paperwork, make a statement, or agree to something in a court case it is difficult to make changes. Any doubts or questions you have should be considered and answered before you act. An attorney can help you to get it right the first time.

If I Decide to Represent Myself, What will be Expected of Me?

Before you decide to represent yourself, you should understand that there are certain things that will be expected of you. A “pro se” or “self-represented” litigant is held to the same **standards** as an attorney. You will not be treated differently or better because you decide to go it alone. You will be expected to understand and follow the same rules that apply to attorneys. If you do not follow the rules, you will be treated the same way that an attorney would be treated. This means that important issues in your case could be decided against you and in favor of the other side. It also means that your case could be delayed or dismissed. You could even be ordered to pay money or be prosecuted criminally if you violate the rules.



If I Decide that I Need an Attorney, How do I Find One?

If you decide that you need an attorney and cannot afford to hire one, you might want to ask a legal services program for help. In this state, **Montana Legal**

Services Association helps people who cannot afford attorneys and who meet certain income requirements. You can apply for assistance from Montana Legal Services Association over the telephone by calling **1-800-666-6899**. If you do not qualify for help from Montana Legal Services Association, the State Bar of Montana can give you the names of attorneys in your area who specialize in the kind of case you have. This service is provided free of charge by the **Lawyer Referral and Information Service**, which can be reached by telephone at **406-449-6577**. There may also be state or local organizations that can offer assistance if you cannot afford to hire an attorney. You can usually find these organizations by consulting the yellow pages of your telephone book or by using a computer to search the internet.



What Kind of Help can I Get from People Who Are Not Attorneys?

If you decide to go it alone, there are people who are not attorneys who may be able to help. However, there are many kinds of help attorneys can offer that people who are not attorneys cannot provide. Only attorneys can give you legal advice, which involves a discussion of how the law applies to the facts in your case.

People who are not attorneys, like court clerks, law librarians and people who work in self-help programs **can** explain and answer questions about how the court works. They can also provide you with information about where to get help with legal problems; give you general information about court rules, procedures and practices; provide you with court schedules and information about how to get a case scheduled for a hearing; provide you with information from your case file; provide you with certain court forms and instructions; and answer general questions about court deadlines and how to compute a deadline in your case.

People who are not attorneys **cannot** tell you whether or not you should bring your case to court. Other things they cannot do include telling you what words to

use in your court papers; tell you what to say in court; give you an opinion about what will happen in your case; talk to the judge for you; let you talk to the judge outside of court; or change an order signed by a judge.

What Should I Expect When It Is All Over?

You must remember that a judge is not allowed to take sides in a case. Everyone must be given a chance to tell his or her side of the story. Almost no one who goes to court is completely happy with the way things turn out. If you and the other side cannot agree to settle your disagreement without going to court, be prepared for a decision that does not give you everything you want. The judge may have to decide a case in a way that makes no sense to you or that seems unfair. Keep in mind that the judge has to apply the law fairly to both sides and that everyone involved in the case is entitled to be treated with respect.



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