

Table of Contents

- I) Introduction To Pro Se Reality
 - A.) Warning: Challenges that face the pro se litigant
 - 1.) Same standards as an attorney
 - 2.) Knowledge of case law
 - 3.) Rules of Civil procedure
 - 4.) Rules of Evidence
 - 5.) Local court room rules
 - B.) Resources available
 - 1.) Mentor
 - 2.) Internet
 - 3.) Law School
- II) Procedure (Civil)
 - 1.) Complaint/Petition
 - 2.) Summons/Service of Process
 - 3.) Amending Complaint/Petition
 - 4.) Answers
 - (a) Defenses
 - 1.) Strategies
 - a) Factual Accuracy
 - b) Procedural Attack
 - 5.) Reply
 - 6.) Motions Against the Complaint/Petition and other defenses
- C.) Pretrial Procedures
 - 1. Know the Deadlines
 - 2. Pretrial Conference
 - 3. Court Ordered Mediation and or Arbitration
 - 4. Pretrial Conference
 - 5. Case?
- D.) Discovery
 - 1.)
 - 2.)
- E.) Interrogatories
 - 1.)
 - 2.) Request for Admission
- F.) Deposition
 - 1.) ?
 - 2.) Schedule
 - 3.) Rules of Evidence
- G.) Motions
 - 1.) Change of Venue
 - 2.) Motion to Strike
 - 3.) Motion to Compel

- 4.) Motion to Quash Service of Summons
- 5.) Motion for Judgment on the Pleadings
- 6.) ?

III.) Trial

- A. What needs to be proven at trial
 - 1. The Elements of a Claim
 - 2. Finding the Elements of a Claim
 - 3. Proving Each Element of the Claim
 - a) Burden of Proof
 - b) ??
 - 4. Looking for Support of Claims
 - 5. Organizing Evidence
 - 6. Know the Oppositions Case
- B. What Defendant need to prove at Trial
 - 1. Know the Elements of the Plaintiff's Claim
 - a) Know the Plaintiff's Claim
 - b) Know the facts
 - c) Defeat any one Element of the Claim
 - d) Impeaching the Witness to Disprove the Facts
- C. Bench Trial or Jury Trial
 - 1. Bench Trial or Jury Trial??
- D. Disqualifying a Judge
- E. Problem Attorneys
- F. Jury Selection Process
 - 1. Challenges for Cause
 - 2. How to Select
 - 3. Preemptive Challenge
- G. Judges Statement to the Jurors
- H. Important Points to Follow
 - 1. Pre-trial Preparations
 - 2. Basic Court Conduct
 - 3. Trial Notebooks / Folders
- I. In the Classroom
 - 1. ????
 - 2. ????
 - a) Foundation Questions
 - b) Objections
 - c) Character Witnesses
 - d) ??
 - e) Problem Witnesses
 - f) Impeachment
 - g) Objections??
 - h) Exhibits
 - i) Types of Evidence
 - j) Verdict and Beyond

- IV.) Elements of Legal Research (Introduction)
 - V.) Getting Started
 - A.) Basic Research Plan
 - 1. Legal Research Topic / Legal Issue
 - 2. Classification
 - 3. Background Resources
 - 4. Statutory Law
 - 5. Relevant Case Law
 - a. Shepard's & West Law Digest
 - b. Ensuring case law is still active
 - 6. **Shepardizing**
 - VI.) The Search Begins
 - A.) Summarize problem and define legal issue
 - 1. Word Lists
 - a. Brainstorming
 - b. TARP System
 - B.) Descriptive Words
 - a. Dictionary – Black's Law
 - b. Words and Phrases
 - c. Encyclopedia
 - 1. American Jurisprudence (AJ)
 - a. how to use
 - 2. Corpus Juris Secundum (CJS)
 - a. how to use
- VI.) The Search Continues
 - A. Case-Law-published
 - 1. Precedent
 - 2. Citations
 - 3. Case components
 - 4. Case analysis
 - 5. Reporters
 - 6. Digest
 - B. Resources
 - 1. Computer Research
 - 2. Indexes
 - 3. Card Catalog
 - 4. Practice Manual
 - 5. Background Specialty
 - 6. Treaties
 - 7. Law Reviews and Periodicals
 - 8. Legal Track
 - 9. Statutes
 - 10. Codes
 - 11. Annotations
 - 12. Regulations, Administrative Law
 - 13. Attorney General's Opinion
 - 14. Case Law / Judicial Law
 - 15. Digest??
 - 16. Case Citations
 - 17. Pocket Parts, Pamphlets and Supplements

18. Case Reporters???
19. Shepard's Citations
20. American Law Reports (ALR)
21. ??

IX.

WARNING!

The following is what you should take into consideration if you plan to represent yourself.

1. You may be held to the same professional standards as an attorney.
2. You will be required to now and understand the law as if you are an attorney.

Generally, there are three bodies of the law that you must consult. First, there is the **State Statutes and Federal Statutes**. They are the laws that are made by State or National legislatures. Next, there is a body of law know as **Case Law**. Case Law is Judge-made law on a case-by-case basis. Finally, there are the rules of **Civil Procedure**, which pertain to procedures in certain areas of the law in State and Federal Courts. In some states, there are local rules (county) of Civil Procedure. These bodies of Law can be found in a Law Library and some public libraries. **Know your rules of Civil Procedure.**

3. You will be required to know these Procedures to follow your particular case. Court procedures are found in your State Rules of Civil Procedure, as well as, Rules of Civil Procedure for Federal Court. Again, these publications can be found in a Law Library and some public libraries.
4. You will be required to know Court Room Procedures. This includes an understanding of the State or Federal Rules of Evidence, which directs what is permitted in the Court during you're hearing, including the following:
 - a. Type of questions
 - b. Exhibits
 - c. Types of Statements

The Rules of Evidence for State and Federal courts can be found in the Law Library and some public libraries. So, you have decided to go it alone. Unfortunately, with the fees charged by attorneys,

running in excess of \$150.00 per hour, it may not make economic sense for you to hire an attorney. Even if you are to prevail, and are able to collect what the other side owes you, the attorney fees and costs may take all of your hard earned money. As a result, you may be faced with representing yourself in Court, or dropping your claim or defense.

You are probably wondering, can I really represent myself in Court? Well, my dear reader, I am here to tell you that the answer is a resounding, YES! Be prepared, however, to invest an inordinate amount of time if the case is something beyond the scope of small claims Court. It would behoove you, as you start down this road to have a mentor in the form of a legal coach. It may difficult to find an attorney or paralegal to help you down the road. If you are lucky to find an attorney, refer him to “Unbundle Your Legal Practice” (ABA, 2000). Another option is Telelawyer. I myself have used Telelawyer on numerous occasions and they have been great with their advice and help. The last place I know to look to get a little hand holding, is out there in the world of the Internet:

- <http://www.legalopinion.com>
- <http://www.counsel.com>
- <http://www.lawguru.com/cgi/bbs>
- <http://www.uslaw.com>

Each of these sites allows you to submit questions t an attorney who will probably research and answer you legal question. With the ever changing landscape of the Internet, some of these sites may be gone, at any given time. Shake outs in the world of the Internet is inevitable. The good news is there will be other sites to take their place. It has been our experience that the quality of legal advice obtained from any one attorney is somewhat questionable. Always double-check any legal advice that you get, whether from an attorney that you retain or any of the above-mentioned Internet sites. Remember, you are paying for an educated opinion.

GETTING STARTED

1. The first thing is to take a step back and objectively as yourself: “Do I have a good case?” “Do I have the time and the energy required?” The amount of money involved? Complexity of the case and its issues? The consequences or the significance of the case? The benefits of winning? The miseries of losing? Remember the inherently fallible humans who are members of and participate in our legal systems.
2. Research your case. SEE ELEMENTS OF LEGAL RESEARCH.
3. Make sure your lawsuit is timely. Let’s assume you have a great case. But if you take too long to sue, the opposition can quickly get the case thrown out of court or dismissed. The statute of limitations is designed to protect defendants from being sued with stale legal claims. The statute of limitations varies from one legal situation, as well as, from state to state. The is why it is crucial that you know the applicable statute of limitations for state or federal courts, in order to determine that your lawsuit is timely. Statute of limitations is also known as limitation of action. It would be wise to read the following book: Solving Statute of Limitations Problems, by Adolph Levy. You can find this book at most law libraries. At times, there may not be time to draft a Complaint before the action is commenced. In this instance, it is possible to begin your lawsuit by filing a request with the court so that the court may issue a Writ of Summons to be served upon the defendant. This will inform the defendant that you have commenced a lawsuit. The Complaint may be filed at a later date. Check your Federal and State Rules of Civil Procedure.
4. Find out which court had jurisdiction to hear your case. The reason this is important is that in addition to filing a case one time, a plaintiff has to file the case