

# General Guidance on Representing Yourself in Court

## How to File Pro Se With the Court

The person suing (the Plaintiff) and person being sued (the Defendant) are both called “parties” in a legal action. There are different documents that you may have to file in connection with a case.

This handout provides some basic information you should find useful if you are unable to get an attorney and you have no other choice but to represent yourself. When you represent yourself<sup>1</sup> in court, it means you are representing yourself “**pro se.**” This document includes information on:

- How to complete and file forms
- The significance of deadlines to file forms
- What different documents mean
- What to do when you go to the hearing

## Types of Pleadings

**Complaint:** a formal statement that contains a description and amount of the claim.

**Answer:** the defendant’s written response to the plaintiff’s complaint. **If you do not file an Answer on time, the plaintiff may be able to get a Default Judgment (a court decision in favor of the plaintiff).** Unless a motion for extension of time has been filed and granted, the Answer is due **within 28 days** after you receive court papers.

**Counterclaim:** a written statement that the plaintiff owes you money. If you want to file both an Answer and Counterclaim, you can write them on the same paper.

- Your claim(s) against the plaintiff may include any reason that you feel the plaintiff owes you money or services. For each counterclaim, you must state why you believe each claim is justified, and the amount of money your claim is worth. Include “interest and payment of all court costs” after you state the amount of money your claim is worth.

## Types of Petitions

**Motion:** a request by a party in the case for the judge to make a ruling or order. There are different types of motions that you—or the other party—may file (Motion for Summary Judgment, Motion for Extension of Time, etc.)

**Response to Motion:** like an answer, a response is a party's response to the other party's motion. A response says why the court should not grant the motion.

These documents must be **served** on all parties involved in the case and filed with the court. After you have completed a document, mail a copy to all the other parties in the case. Most forms must also be filed with the Clerk of Courts in your county. Keep one copy for your records of all forms that you file.

### What if...

- **you believe any additional party or parties should be brought into the claim (e.g. because they are liable for all or part of the claim - either along with you or instead of you)?** You need to file a third-party claim. Be sure to state the complete name and address of each additional party who would be brought into the claim, and your reasons why that party, or parties, should be brought into the claim.
- **the plaintiff has named multiple defendants and you have a claim against one of those defendants?** You may file a claim against that defendant, a “cross-claim.”
- **the plaintiff's claim does not include some parties that are necessary to resolve the lawsuit?** You may ask the court to bring in such other persons or entities by making a “third-party claim.”

## How to Complete a Form

- **Caption/Heading.** Fill in the heading information for any document. Write this information the same way it appears on the Complaint. You need to fill in the name of the Court, the case number, and the name and address of the person suing (the Plaintiff) and the name and address of the person being sued (the Defendant).

- **Body.** What you need to write in the body differs for the type of document that is being filed.

Motion	Answer
<p>Fill in your name on the first line after Defendant, and sign your name after “respectfully submitted.”</p> <p>Include your address and telephone number in the lines below your name.</p>	<p>In order to complete the answer, it is necessary to have a copy of the Plaintiff’s Complaint in front of you. Look at the numbered paragraphs containing statements. Determine which statements you agree with and which statements you disagree with. It is also possible to conclude there is not enough information or you can agree to part of paragraph X, but disagree with the rest of it.</p> <ul style="list-style-type: none"> <li>• When you deny something in the Complaint, state briefly your reason for denying the statement. For example, if the Complaint says you owe money but you already paid the money, you should deny that you owe money and say you already paid for it.</li> <li>• If you agree to all of the statements in the Complaint, the Court will rule against you because there is no dispute.</li> </ul>

- **Certificate of Service.** All documents filed with the court must include a certificate of service (a form stating that a copy of the document was delivered, faxed, or mailed to the opposing party). Look at the parties listed on the complaint and include their contact information in this portion. Include the Plaintiff’s attorney and all other parties listed as Defendants in the case. It is recommended to mail the copies on the same day that you file the paperwork with the court so that you do not forget anything.

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**TIP :** When filling out any form...

- Use clear language.
- Write or print clearly.
- Briefly explain your argument and the reasons for your statement.

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## How to File a Form

Contact the Clerk of Courts in your county to find out **how** to file. A **filing fee** is associated with certain filings. The fees vary court to court, so call the clerk to find out the cost of filing or look on the court’s website to know how much it will cost to file. The clerk will require multiple copies of several of the forms, so call ahead to find out how many copies you will need.

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**TIP:** You may be able to reduce or avoid paying filing fees by filing a **Poverty Affidavit**. The form lets you ask permission to file your case without paying the fee in advance. This form must be notarized: do NOT sign it until you are before a notary. Filing a Poverty Affidavit Form does not guarantee that you will not have to pay a filing fee.



**TIP:** If you move, keep the Court up to date on your current address and telephone number if you have a phone number so the court and the other side of the lawsuit can communicate with you.

**NOTE:** Court staff can provide forms and explain the procedure for filing your claim(s). Court staff will not provide legal advice and cannot comment on the merits of the case.



## How to Prepare for Your Hearing

Organize your evidence before going to court. You can use people as evidence (witnesses) and things like documents or pictures as evidence (exhibits). Before your hearing, gather all documents you plan to use and prepare in advance what you will say. Be on time for hearings. You do not want to lose because you were not in the courtroom when your case was called.



## How to Represent Yourself at Your Hearing

The hearing is your day in court when you present your claim, defense, counterclaim, cross-claim, or third-party claim. All parties will have an opportunity to present case and evidence to the court. Bring your evidence with you. Bring enough copies of your documents, pictures, etc. Whether you are the plaintiff or the defendant, your job at the formal hearing (trial) is to give the judge the facts and convince the judge that he or she should decide in your favor. Check with your court about any local rules concerning evidence.



## Important Resources

Supreme Court of Ohio	<a href="http://www.sconet.state.oh.us">www.sconet.state.oh.us</a>
Ohio Legal Help	<a href="http://ohiolegalthelp.org/">http://ohiolegalthelp.org/</a>
Ohio State Bar Association	<a href="http://www.ohioabar.org">www.ohioabar.org</a>

The court’s library, your local bar association, and your local public library may have other resources for pro se litigants. If you do not have access to the internet, you may access the internet at your local public library.

<sup>1</sup> It is better to be represented by an attorney in court proceedings. Attorneys are trained professionals who understand the law and how it relates to your case. You may qualify for legal aid or help from other programs or legal clinics. There may be other resources available in your community, such as a Lawyer Referral Service and United Way. Even if you are not represented by an attorney, it is your right to represent yourself. You must follow the Ohio Rules of Civil Procedure and local court rules.

If you have questions or need legal assistance, please call the  
Legal Aid line at **(513) 241-9400**