

A resource of court procedures
for those representing
themselves in
a civil case.



pro se litigant
defendant
procedural law
clerk of court
motion bench trial
civil case served
jury trial mediation
summons
substantive law
discovery voir dire



*This brochure is intended for informational purposes
only and should not be construed as legal advice.*



If you have been sued as a defendant in a civil case...keep reading.

Court procedures can be complex. This brochure was developed to help Ohioans who are considering representing themselves in court. It explains basic court procedures for pro se litigants. A pro se litigant is someone representing themselves in court without the help of an attorney. This brochure also highlights resources available on Ohio's laws, court rules and court procedures.



Role of Judge: The judge enforces the rules of the court and the law. The judge cannot take sides, so he or she cannot assist you with your case.

Preparation: Consider hiring an attorney, or, at least educate yourself with the rules and law so you are prepared to represent yourself. If you represent yourself, you will be referred to as a pro se defendant. Pro se is a Latin word which means "appearing for oneself."

A **pro se litigant** is expected to have knowledge of the law and legal procedures. The court and opposing counsel will hold a **pro se litigant** to the same standard as someone who has an attorney.



Contact your public library for Internet access.

Resources: Many helpful tools exist for finding an attorney and/or representing yourself in court. Helpful Web sites include:

Ohio Legal Services Web site in the For The Public section under Find Ohio Legal Help

www.ohiolegalservices.org

Ohio State Bar Association Web site under the Public section

www.ohiobar.org

Supreme Court of Ohio Web site in the Attorney Information section under Lawyer Referral Services

www.sconet.state.oh.us

Many local bar associations also provide information on the Web.

In addition, you can find the rules of procedure, evidence and substantive law at the Ohio Supreme Court Web site in the Law Library & Legal Resources section.

www.sconet.state.oh.us

If you do not have access to the Internet, contact your public library to access the Internet and/or to obtain hard copies of the rules and law that apply to your situation. You may also contact your local bar association.





Attorneys: You must determine if you want to have an attorney represent you. Even if you cannot afford an attorney, you may qualify for the services of a free or low-cost attorney.

To learn more about the role of an attorney and to see if you qualify for the services of a free or low-cost attorney:



- Review the *LawFacts* pamphlet on Attorneys. The pamphlet can be found under Resources, in the Public section of the Ohio State Bar Association Web site, www.ohioabar.org.
- Visit www.ohiolegalservices.org or call **1-866-LAW-OHIO** (1-866-529-6446) to learn about organizations in your community that provide free or low-cost legal assistance to eligible Ohioans.
- Contact your local bar association.

Call 1-866-LAW-OHIO to learn about qualifying for free or low-cost legal assistance.




Review *The Law & You* at www.ohiobar.org.

Procedure: If you are not eligible for the services of a free or low-cost attorney and/or if you decide to represent yourself in your case, you must learn the rules and law so you do not put your case at risk because you are not following the court rules.

- Find the Ohio Rules of Civil Procedure on the Supreme Court Web site under Law Library & Legal Resources and Ohio Rules of Court.
- Find the laws that specify court procedures in Chapters 19, 21, 23 and 25 of the Ohio Revised Code on the Supreme Court Web site under Law Library & Legal Resources and Ohio Revised Code.
- You will find a good description of case procedure in Chapter 3 of *The Law & You* on the Ohio State Bar Association Web site found in the Public section under Resources.
- You must also follow the local court rules. Contact the clerk of the court where the case was filed or is pending to obtain a copy of the local rules.
- Ohio case law will be considered by a judge when appropriate. Research case law at your local law library.





Answer/Defend: If you have been sued, you will be notified of a complaint against you by the clerk of the court where the complaint is filed.

- The notification will be in the form of a summons with a copy of the complaint.
- The summons will inform you that you have 28 days from the day you are served the summons to file an answer or otherwise defend pursuant to the Ohio Rules of Civil Procedure.
- The answer/defense shall be sent to the opposing party's attorney, or to the opposing party, if there is no attorney.
- The answer/defense shall be filed with the clerk of court, along with a statement certifying that the answer/defense was also sent to the opposing side. This statement is referred to as a certificate of service.
- Failure to answer within this time frame or to certify the answer was also sent to the opposing side may result in a judgment against you without a hearing.
- Learn more about service of documents and see sample certificates of service at www.ohiolegalservices.org.



All documents filed with the court must include a **certificate of service**.

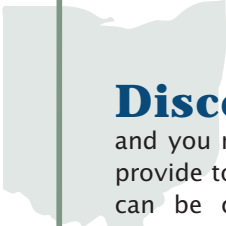


Learn about mediation and dispute resolution.

Pre-trial and Settlement: Once you file an answer to the complaint, the case will be set for a pre-trial hearing. Before, at, or after the pre-trial, you may decide that you would like to try to settle the case so you do not have to go to trial. You may attempt to settle a case by directly contacting the opposing party's attorney or by informing the judge at pre-trial.

Other ways to settle or resolve the case is to participate in mediation or dispute resolution. If you and the opposing party agree to participate, the judge could refer you to the court's mediation program, if there is one. If the court does not have a mediation program, you may use a private mediator or engage in some other form of dispute resolution.

- Find specific rules for pre-trial in the Ohio Rules of Civil Procedure on the Supreme Court Web site.
- Find out more about mediation or other dispute resolution processes in the *LawFacts* pamphlet under Court Mediation and in the Legal Tools section under Dispute Resolution, both available on the Ohio State Bar Association Web site.
- Find mediators and dispute resolution professionals at Find Ohio Legal Help regarding Mediation Programs and Dispute Resolution on the Ohio Legal Services Web site.



Discovery: While your case is pending, the opposing attorney and you may engage in discovery. In discovery, the parties ask for and provide to each other information about the facts of the case. Discovery can be conducted in many different forms, including depositions, interrogatories, requests for production of documents, requests for admissions and examinations. Specific rules regarding how discovery works must be followed. If you do not follow the rules of discovery, an adverse ruling could be made against you.

- Find out more about the discovery process in Chapter 3 of *The Law & You*, found under Publications on the Ohio State Bar Association Web site.
- Find the specific rules of discovery in the Ohio Rules of Civil Procedure on the Supreme Court Web site.



**Make copies of all
your documents.**

Motion for Summary Judgment: You or the opposing party may make a written motion for summary judgment which asks the Court to decide the case without having a trial. A motion for summary judgment must be made and responded to according to the Ohio Rules of Civil Procedure. If you do not respond in a timely manner, the judge will rule without your input.

- Find a general discussion of motions for summary judgment in Chapter 3 of *The Law & You* on the Ohio State Bar Association Web site.
- Find the specific rules for motions in the Ohio Rules of Civil Procedure on the Supreme Court Web site.

Trial: If the case is not settled or decided through a motion for summary judgment, the court will hold a trial on the case. The trial could be before a jury, if the proper demand has been made and fees have been paid, or before a judge (called a court trial or a bench trial). If there is a jury trial, you must learn the rules for voir dire, which is the process for selecting a jury. In either situation, you must learn the rules of evidence which will apply at trial. If you do not present evidence according to the rules, the judge will exclude and not consider the evidence.



- Find a general discussion of jury selection and trial procedure in Chapter 3 of *The Law & You* on the Ohio State Bar Association Web site.
- Find the Ohio Rules of Civil Procedure and the Revised Code sections applying to jury selection and trial procedure on the Supreme Court Web site.
- Find a general discussion of rules of evidence in the Courts & Hearings section on the Ohio Legal Services Web site.
- Search for and review the Ohio Rules of Evidence on the Supreme Court Web site.

Research the Ohio Rules of Civil Procedure and Evidence that apply to your situation.

- Visit www.sconet.state.oh.us



Appeal: If you believe the final decision of the trial court is incorrect, you may appeal the case to the appropriate court of appeals. An appeal must be filed according to the Ohio Rules for Appellate Procedure. There are strict deadlines for filing an appeal.

- Search for the Ohio Rules of Appellate Procedure on the Supreme Court Web site.

Substantive Law: The information in this brochure focuses on procedural law. The law about the facts of your case is equally important. If you represent yourself, you must learn this law. For instance, if you have been sued over a contract, you must research contract law. If you have been sued over a car accident, you must research negligence and personal injury law.

- Find general discussions of different types of substantive law in *The Law & You* and in the *LawFacts* pamphlets on the Ohio State Bar Association Web site as well as on the Ohio Legal Services Web site.
- Research substantive law in the Ohio Revised Code on the Supreme Court Web site.
- Research Ohio case law at your local law library.



**Research and understand
the Ohio Rules for
Appellate Procedure at
www.sconet.state.oh.us.**

Glossary of Terms:

Answer: An official document filed with the court in which the defendant responds to the plaintiff complaint.

Bench trial: A trial in which there is no jury, and the judge takes on the jury's role of deciding the facts of the case.

Certificate of service: A form filed with the clerk's office stating a copy of the document was delivered, faxed, or mailed to the opposing party.

Clerk of court: The court officer who oversees administrative functions.

Civil case: A case brought by one person against another that does not involve a crime.

Defendant: The person accused of wrongdoing.

Depositions: A method of gaining information and evidence in which a party to the case is placed under oath and answers questions.

Discovery: The process by which the parties in a civil lawsuit obtain information or evidence from each other.

Dispute resolution: A means for resolving disputes that exists outside the state and federal judicial systems. Common dispute resolution techniques include negotiation, arbitration, mediation, the mini-trial and summary jury trial, and private judge trials. Generally, these methods are faster, less expensive and less adversarial than a court trial. See **mediation**.

Interrogatories: Written questions that a party must answer under oath.

Jury trial: The parties present their evidence to a jury. The judge instructs the jury on how the law applies, and the jury must then make its decision.

Mediation: An informal process in which an impartial person (the mediator) works with the parties to try to resolve the lawsuit in a way that is acceptable to both. See **dispute resolution**.

Motion: A request for a ruling or order made to the judge by someone connected with the case.

Ohio Revised Code: The laws of the state of Ohio.

Ohio Rules of Civil Procedure: The rules that govern how a court's business is conducted. In this case, rules governing civil cases in Ohio.

Procedural law: Establishes methods for enforcing our rights and obligations fairly and efficiently.

Pro se litigant: Representing oneself. Serving as one's own lawyer.

Served: Delivering, faxing or mailing a document to one party by another. The party who has been served is then officially aware of the content of the document.

Substantive law: Defines our rights and obligations. This includes criminal law and the law of torts, contracts, probate law, and family law.

Summary judgment: Court decision that will conclude that no trial is needed and will enter final judgment for the defendant, if the court is persuaded by two arguments:

- a. Based on affidavits or the evidence, no reasonable person could find in favor of the plaintiff.
- b. The defendant is entitled to judgment as a matter of law.

Summons: Informs the defendant that, unless the defendant files a response (also called an answer) by a certain date, the court will rule in favor of the plaintiff.

Voir dire: Part of the process of jury selection, in which the parties and judge may question prospective jurors to determine whether any juror should be excused.

About the Ohio State Bar Foundation



The mission of the Ohio State Bar Foundation is to promote public understanding of the law and improvements in the justice system throughout Ohio. Each year a group of attorneys and judges researches, identifies, prepares and distributes a project. The 2006 Fellows Class prepared this brochure and content on the Ohio Legal Services Web site for pro se litigants. To download this brochure, visit www.osbf.net or www.ohiolegalservices.org. To request a printed copy of this brochure, complete a request form at www.osbf.net.

Sincere thanks to the 2006 Fellows Class and our partners on this project—the Ohio Legal Assistance Foundation, Ohio State Legal Services Association and the Ohio Library Council.

Important Web Sites & Resources

Supreme Court of Ohio
www.sconet.state.oh.us

Ohio Legal Services
www.ohiolegalservices.org

Ohio State Bar Association
www.ohiobar.org

1-866-LAW-OHIO (1-866-529-6446)