

WHEN YOU REPRESENT YOURSELF

This webpage is for informational purposes only. It does not constitute legal advice and should not be relied upon as legal advice. For specific legal advice, consult with an appropriate Legal Representative.

Every effort has been made to present accurate and up-to-date information on this page. However, procedures, laws, and rules change over time.

Legal Representation

Court processes can be long, confusing, complicated, and difficult to understand. It is highly recommended that you consult with a licensed attorney. One way to find an attorney is through the Clermont County Bar Association Lawyer Referral Service. You may contact them by e-mail at www.clermontcountybarassn.org.

In some cases, you might be entitled to a court-appointed attorney. If you qualify financially in delinquency or contempt cases, you may be entitled to representation by the Clermont County Public Defender. If incarceration is a possible penalty in your case, you may qualify. You can reach the Clermont County Public Defender's Office at (513) 732-7223. If you are involved in an abuse, neglect, or dependency case initiated by Clermont County Children's Protective Services, you may be entitled to a court-appointed attorney. You may contact the Court at (513)732-7696 for additional information.

Proceeding Pro Se

You have the right to represent yourself. This is known as proceeding in your court case as "pro se." The following information will be helpful to you if you choose to represent yourself.

Court processes and procedures often refer to confusing legal terms. The definition of many of these terms can be found on the Court's website under [Definitions | Probate / Juvenile Court | Clermont County Ohio \(clermontcountyohio.gov\)](#).

To initiate a case, or to re-open an existing case, you will need to file a Complaint or Motion. Examples and blank copies of a wide range of motions and complaints are available on the Court's website at [General Information | Probate / Juvenile Court | Clermont County, Ohio \(clermontcountyohio.gov\)](#)

Filing Your Case And Initial Hearing

Filing a Complaint or Motion usually requires the payment of a filing fee. The filing fees for the Court can be found at [COURT OF COMMON PLEAS \(clermontcountyohio.gov\)](#). After filing your Complaint or Motion, an initial hearing will be scheduled. Typically, there is no testimony or evidence presented at this initial hearing. It is not necessary for you to bring your child with you. At this initial hearing, the Court will inquire as to whether or not you and the opposing party have

already reached an agreement; if appropriate, the Court may offer the Court Mediation Services to you and the opposing party in the hope of resolving the matter without further hearings. If an agreement has not been reached in one of these ways, the Court may appoint a guardian ad litem for the child (*a person appointed to represent the interests of a child*), set a further hearing or schedule the matter for trial.

Rules to Follow at Trial

When presenting your case, you will be required to follow this Court's Local Rules found here [Rule 1 \(clermontcountyohio.gov\)](#), and the Ohio Rules of Juvenile Procedure found here [Ohio Rules of Juvenile Procedure](#) just as a licensed practicing attorney.

Preparing for Your Trial

The trial is your opportunity to present your claim. Both you and the opposing party will have an opportunity to present evidence to the Court.

The burden is on you at trial to present the evidence and convince the Court to decide in your favor.

When preparing for your hearing, you will need to collect your evidence, contact your witnesses, subpoena them to appear at your trial if they will not come voluntarily, and make a written outline for your case so that you can present your case in an orderly, organized manner.

The outline will enable you to organize your evidence to make the points you wish to make to the Court. List your witnesses and evidence in the order in which you wish to present them at trial. A good way to present your claim is to present the facts in the chronological sequence in which they occurred. Record what is in your favor and determine how to deal with matters that are not in your favor.

You must bring your evidence and your witnesses with you to the trial regardless of whether the trial is in person at the courthouse or is conducted by Zoom. Bring at least three (3) copies of your evidence (e.g. documents, photographs, etc.) so that the opposing party and the Court, as well as yourself, all have copies for the hearing. The evidence must be marked clearly. If you are the filing party, use numbers to mark your exhibits. If you are the responding party, use letters to mark your exhibits. If an exhibit has multiple pages, mark the pages accordingly. **Failure to provide copies will result in the Court prohibiting their use as part of your case. Court staff will not make copies and assemble your exhibits.**

Your witness(es) should plan to appear in person in Court. Your witness may appear by Zoom, as long as you receive permission from the Court. You must provide to the Court an active email address for your witness so that a Zoom link may be sent to them. You may not bring a letter, or a notarized statement signed by the witness in lieu of the appearance of the witness. These items will not be considered as evidence since they are prohibited from admission by the [Rules of Evidence](#).

Presentation of Your Case at Trial

As you are the party who filed the Complaint or Motion, you present your evidence first. You will present your own testimony; you will present the testimony of any witnesses who are present to testify in support of your claim. At the conclusion of your testimony, the opposing party (or their attorney if he/she is represented) will ask you questions on cross-examination. Each of the witnesses you present will be asked questions (cross-examination) by the opposing party or his/her attorney.

The opposing party will also have their opportunity to call witnesses. You will be able to ask questions of the opposing party and any witnesses they may call to testify. Cross-examination is NOT a time to argue with the person testifying. Nor is it time to tell the witness something. It is not yet time to tell the Court something; you will have this opportunity in your testimony.

Be clear, concise, and organized in the presentation of your case (through your testimony, as well as any witnesses). You should use your outline to help emphasize the points in your favor and explain the points against you.

The Court may or may not ask questions. It is your responsibility to present your evidence. The Court listens to the evidence and decides the issue.

Be polite and respectful to the Court, the Court process, the parties and witnesses. You should act in a professional and respectful manner when in Court or dealing with the Court via telephone and/or Zoom. Good manners, a calm demeanor, and orderly presentation of your evidence is necessary in order to properly convey your information at your hearing.

You will probably be nervous. This is to be expected. Relax, be yourself, and present your case in a calm and organized manner. Listen carefully to what the Judge or Magistrate says or asks and respond accordingly. Avoid talking over or interrupting the judge or magistrate. A good rule of thumb to follow is that you should not be talking if they are.

After hearing both sides make their presentation, the Court will make its decision. The Court might state its decision in Court at the end of the trial, or it might take the case under advisement and issue a written decision to all parties. The Court (*the Judge or Magistrate*) will let you know at the end of the trial as to how they will make the decision and will also let you know when you should expect the decision to be completed.

Evidence for the Trial

Your evidence may include:

Your testimony

Testimony of witnesses

Documents and reports

Other written items

Photographs, videos, or diagrams

Anything that can support your case may be useful as evidence, so long as it complies with [Rules of Evidence](#).

It is your responsibility to make sure that the evidence you intend to present does comply with the [Rules of Evidence](#).

Witnesses may include friends, family members, bystanders, or professionals who have some useful knowledge of information relevant to the issues (e.g. teachers, therapists, medical professionals). When you speak with your witnesses, tell them that it is mandatory that they are truthful when testifying. Shortly before your trial date, contact your witnesses again and ensure they agree to testify. Make sure you confirm the date and time of the trial, and whether it is in-person or via Zoom. If the trial is via Zoom, it is your responsibility to provide your witnesses with the Zoom link.

If a witness will not voluntarily appear at trial, you can file a request for subpoena which is available at the reception desk in the Court lobby. A subpoena is a court order requiring the witness to appear at your trial. Failure to comply with the subpoena can result in a warrant for his/her arrest.

More important than the quantity of your evidence is the quality of your evidence. Your witnesses should be believable, have direct knowledge of the facts they testify to, and they should be trustworthy individuals. Remember that the opposing party may present witnesses and evidence that conflicts with yours. You want to ensure that your case is supported by the best testimony and evidence possible.

For additional information, review "Representing Yourself in Court: A Citizen's Guide" prepared by the Ohio Judicial Conference here [Representing Yourself in Court A Citizen's Guide](#).

What if I disagree with a Magistrate's Order?

If you disagree with an Order made by a Magistrate, you may file a Motion to Set Aside the Magistrate's Order. You must do so no later than 10 days after the filing of the Magistrate's Order. The Motion to Set Aside must be accompanied by a transcript of the hearing that was held before the Magistrate. A request for a transcript must be made pursuant to this Court's Local Rules found here: [Local Rules | Probate / Juvenile Court | Clermont County, Ohio \(clermontcountyohio.gov\)](#).

The filing of this Motion to Set Aside does not automatically stay the Order made by the Magistrate.

What if I disagree with a Magistrate's Decision?

If you disagree with the Magistrate's Decision, you may file an Objection to Magistrate's Decision. The form is found here: [IN THE COURT OF COMMON PLEAS, JUVENILE DIVISION \(clermontcountyohio.gov\)](#). You must file no later than 14 days after the filing of the Magistrate's Decision. The Objections must be accompanied by a transcript of the hearing that was held before

the Magistrate. A request for a transcript must be made pursuant to this Court's Local Rules [Local Rules | Probate / Juvenile Court | Clermont County, Ohio \(clermontcountyohio.gov\)](http://clermontcountyohio.gov).

Your objections will be reviewed by the Judge. There may or may not be an additional hearing before the Judge. Upon review, the Judge has the option of affirming and adopting the Magistrate's Decision, modifying the Magistrate's Decision, or ordering a new trial (either to the Magistrate or to the Judge).