



It's Okay to Pro se! (Self-Represented Litigant)

PRO SE is a Latin phrase meaning "for oneself" or "on one's own behalf". This status is sometimes known as *propria persona* (abbreviated to "proper").

(You have the right to be represented by an attorney. There are significant disadvantages to representing yourself and the assistance of an attorney can be very valuable in evaluating the facts of your case, applying the law, presenting your evidence, and challenging the State's evidence. In certain cases, the court will appoint an attorney for you if you cannot afford to hire your own attorney.) You do have the right to represent yourself. If you choose to do so, here are some basic instructions to help you.

1. Learn the law and rules that apply to your case. Although you are representing yourself, you are still subject to nearly all of the same laws and rules of practice as attorneys. Understanding the law that applies to your case can help you understand what it is that you need to prove and can allow you to focus on the relevant issues at hand. You can ask a lawyer to help you with certain parts of your case, but still represent yourself. A lawyer can coach you or do research for you, and can help you understand what is involved in representing yourself. You can access the Nevada Revised Statutes by going to a law library or at www.leg.state.nv.us/law1.cfm.

2. Understand the consequences. Do you know why you are being sued? Do you understand the violation that the officer has written on a traffic citation? If a criminal complaint has been filed, do you understand what is being alleged and what can happen if you are convicted?

3. Getting to the courthouse. A court hearing is important. If you need to change your court date, contact a court clerk at 775-847-0962. It may be as simple as rescheduling with the court, but on some occasions, you may need to file legal documents requesting a different court date or get the other side to agree to change. If you miss your court date or are late in a civil case, it is possible that the court will rule against you. If it's a criminal case—traffic cases are included in criminal—you may have a warrant

issued for your arrest if you fail to show for court. Allow yourself plenty of time to get to the court. Consider traffic and weather. Plan on arriving to our court at least 15 minutes early. Check in with the court clerk when you arrive.

4. Evidence. There are many rules about evidence and you may want to talk to a lawyer about whether or not the evidence you have can be considered by the judge. If it's a criminal case, you probably received a letter from the prosecutor's office. It's important that you carefully read the letter and follow the discovery process. If you'll be using documents, pictures, or videos in court, bring the original and two copies to court. The original is for the court, one copy is for you, and one copy is for the other side. Some documents can't be used as evidence unless the correct person is in the courtroom to explain the document and answer questions about it.

Do you have witnesses? If so, make sure they arrive on time and are dressed appropriately for court. If a witness will not come voluntarily, you may issue a subpoena. Subpoena forms are available in our clerk's office and at our website at www.storeycounty.org/230/Forms. It is important that you follow the instructions.

5. Special accommodations. Inform the court whether or not you need an interpreter. Do you have a physical disability that the court will need to accommodate?

6. Appropriate dress and conduct. You are not required to wear any particular outfit such as a suit, but you should refrain from wearing shorts, tank tops, halter tops, or anything that shows a midriff. Hats and sunglasses must be taken off prior to entering the courtroom. Turn off cell phones or other electronic devices. Food and beverages are not allowed in the courtroom. Do not chew gum.

7. Children. The courtroom is not a comfortable place for children. Unless you are required to bring a child, please make arrangements for childcare.

8. Prepare an outline for yourself. An outline can help remind you of the main points of your case. You should be prepared to briefly and clearly describe your claims to the judge.

9. Presenting your case to the judge. After you check in with the court clerk, you will be directed to the courtroom. Court personnel will show you where to sit. The clerk will be sitting at a desk to the left of the judge's bench. A bailiff will also be present in the courtroom. The clerk or bailiff will announce the judge's entrance. Stand when the judge enters the courtroom. The judge will begin the proceedings.

Since the plaintiff in a case has the burden of proof, the plaintiff will present his/her case first. *Opening statements may be made, but are not required.* Your opening statement will acquaint the judge with the case and outlines what you plan to show through witnesses and/or evidence. Each party will be given the opportunity to present documents and witnesses.

The Court has a rule that each witness can only be questioned twice by each side. The side calling the witness will directly question the witness. The opposing side will then cross-examine the witness. Thereafter, the side that called the witness may question the witness once more directly and then the other side can cross-examine the witness once more. Thereafter, with the exception of extraordinary circumstances, the witness will be excused and no further questions of that witness will be allowed.

Ask the witness one question at a time and allow the witness to answer the question. Visible reactions to the testimony of witnesses or to the opposing side's

presentation such as facial or body gestures are inappropriate. During your hearing, avoid speaking directly to the other side, arguing with, or interrupting them. Do not interrupt the judge. You will be given the opportunity to ask questions. *Important with reference to criminal (includes traffic) cases, you have the right to remain silent; anything you say may be used against you. You do not have to testify on your own behalf unless you wish to do so. Witnesses are sworn in before testifying, so if you wish to testify on your own behalf, you will also be required to take an oath.*

After each side has presented his/her case, each side will be asked to give a "closing statement." The objective of a closing statement is to provide a clear and persuasive summary of the evidence you presented, along with the weaknesses in the other side's case, and to argue for your position. Good note-taking during the trial will assist you in composing your closing statement. Because the plaintiff has the burden of proof, he/she will give the first closing argument. Thereafter, the defense gives his/her closing argument and then the plaintiff will give a rebuttal. The case is then complete and submitted to the Court for a decision. If this is a criminal case and you are sentenced, the judge will ask if you would like to address the court to present any information to mitigate punishment.

10. Court's adjourned. Make sure you understand the outcome of the hearing before you leave court. Make sure you understand what you need to do next. If you are not sure, ask for clarification. You may need to prepare an order, or you may need to attend another hearing, or pay a fine. Don't be afraid to ask.

Virginia Township Justice Court: 775-847-0962
26 South B Street – P.O. Box 674
Virginia City, NV 89440

For additional information and court forms, you may also go to
www.storeycounty.org/229/justice
www.leg.state.nv.us/law1.cfm.

Washoe Legal Services: 775-329-2727

Volunteer Attorneys for Rural Nevadans (VARN):
775-883-8278

Nevada Supreme Court Library: 775-684-1640

There are also many reasonably priced fixed fee on-line legal sites where you can talk to a lawyer.

