

COMMON MISTAKES IN REPRESENTING YOURSELF

The Most Common Mistakes That You Can Avoid

- Failure to **sign** the court documents (pleadings).
- Failure to **include the required attachments** (exhibits) with the papers that you file with the court.
- Failure to provide the **correct addresses** to serve the papers on the other side.
- Submitting the **wrong filing fees**. (Call the court clerk if you are not sure.)

Other Common Mistakes

- Failure to explain all the **details of your allegations** (statements) if you allege misconduct.
- Not **understanding what the allegations mean** in each paragraph of the complaint.
- Failure to **complete all the blanks** in the court papers (pleadings).
- Failure to list **other related cases or pending cases**. For example, a single family may have an order of protection case, a criminal case, and a divorce case at the same time.
- Failure to **verify** certain supporting documents **under oath**. Use an affidavit when you want to prove something in writing.
- Failure to **submit a proposed Order** for the judge to sign.

Paperwork

- **Make Copies** - You should always make 2 copies of the original pleadings. Be sure to keep 1 for yourself and mail the other copy to the correct address of the defendant.
- **Furnish Copies** - If you plan on using certain documents (such as certified business records) at trial, you will need to send a copy to the other side. Again, please remember to do this well in advance of the trial date.
- **Keep Copies** - You should always keep extra copies of all pleadings, letters to the judges, and anything dealing with the case.

Communicating with the Clerk and the Judge

- Do **keep the clerk informed** when you move to another address or change your phone number.
- Do **answer notices from the clerk** in a timely manner.

- You can **call the clerk's office** for information on your case. You will need to have your name and that of the opposing party and the case number ready.
- You should **never call the judge** by telephone.
- If you do get a chance to speak to a judge because the other party is present or your case has been set for formal hearing, address him or her "**Your Honor.**"
- **Do not fax documents** to the court unless you use the court-approved fax cover sheet.

Witnesses

- **Children as Witnesses** - The judge may prefer *not* to hear directly from a child as a witness. However, if a child's testimony is taken, the judge may choose to meet with the child privately in his or her office. The court reporter also sits in on this meeting.
- **Divorce Witnesses** - Make sure to bring a witness to court if it is an uncontested divorce case. Be sure the witness is over 18 years old, speaks English, and has knowledge of your marriage and separation. A family member can be your best witness. In contested divorce cases, you will need witnesses who can testify as to issues such as custody, income, your grounds for divorce, etc.

Requesting a Hearing

- **Necessary Steps to Get a Hearing** - Your case cannot be set for hearing unless the other party filed an Answer or an Order of Default has been signed.
- **Emergencies** - Do not file for an injunction or restraining order if it is not an emergency case.

Communicating with the Other Side

- **Do Not Give the Court Papers to the Other Side Yourself**
- **Additional Copies for Service Required** - A common mistake is the failure to provide additional copies of court documents (pleadings) that are to be served by a deputy or someone else on the other side. The clerk keeps one copy.
- **Don't Forget to Actually Mail Documents** - Failure to actually mail the documents as required by a Certificate of Service is another common mistake. In addition, make sure the date in the certificate of service is true and accurate.

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