

PALO PINTO COUNTY COURT

INFORMATION FOR SELF-REPRESENTED LITIGANTS IN CRIMINAL CASES (*PRO SE*)

If you represent yourself in Court in a criminal case, you are called a "*pro se* litigant" ¹ or a "self-represented litigant." ²

People (not entities)³ have a legal right to do this (i.e., represent themselves). However, because the applicable rules and law can be complex, we strongly suggest that you retain an attorney, or at the very least, consult with an attorney.

As a *pro se* litigant, you are acting as your own attorney. You will be expected to know and follow the rules and law that apply in your case, just as any attorney would be. If you fail to follow the applicable rules or law, you may permanently lose important rights.

The judge, court staff (including the court coordinator, court clerk, court reporter and bailiff), and opposing counsel cannot help you figure out the complexities. Nor can they give you legal advice (e.g., offer interpretation of rules; recommend a course of action; predict a judicial officer's decision, interpret the meaning or effect of any court order or judgment, etc.). The judge, court staff and clerks are neutral, do not "represent" any party, and cannot help you figure out what to do.

If you fail to follow the Rules, could result in the loss of important rights, including but not limited to the right to present evidence or witnesses. Failure to follow the Law may result in loss of your case because there was something which you failed to prove up through admissible evidence.

¹ "*Pro se*" is a Latin term, meaning "on one's own behalf."

² A "litigant" is a person that is either suing someone in court (e.g., the "Plaintiff") or is being sued in court (e.g., the "Defendant"), that is they are a party to the lawsuit.

³ Entities typically cannot be self-represented and must have an attorney. Corporations, for example, cannot be self-represented.

The Law means the law contained in cases, statutes, regulations, and constitutions. It is often discussed and summarized in Law Review Articles, Treatises, and Encyclopedias. There are many books which can help you, but it is your job to find the right ones and obtain and read them.

You may communicate with the judge if all parties and their attorneys (if they are represented) are present. Do not attempt to communicate privately with the judge. The term "communication" includes contact by means of phone calls, text messages, letters, voice mail messages, faxes, e-mail messages, and direct conversations. Any such unilateral contact is called "ex parte" communication and the judge will not consider it, or any information or argument offered in such a manner for any purpose. The court will return an ex parte communication to you unread and/or notify the other side of the communication. Prohibited communications do not include formal pleadings, motions, and request for relief filed with the clerk.

It is your responsibility to provide the Court with a current and reliable mailing address and telephone number. If you move, you must provide your new address and telephone number to the clerk and the court. If you move and you do not get your mail, you may permanently lose important rights.

Your requests to the court should be made in a written motion.

If you have received notice that a hearing has been scheduled, you must be prepared to present your evidence and witnesses.

The Hearing - At the hearing, the judge will hear your case. Each party will have a chance to tell his or her side of the story. It is important to bring your evidence and witnesses.

How to Dress - Dress as though you were going to an important job interview. Be neat and clean. Do not wear shorts, flip-flops, tank tops, halter tops, sandals, hats, or other casual clothing. The court will order you removed from the courtroom if you are dressed inappropriately; this may result in a default of your case.

Timeliness - Always get to court on time. A good rule of thumb is to arrive at least thirty minutes early in order to allow for time to locate parking, clear the security check and locate the proper courtroom.

Courtroom Demeanor -You and your witnesses should be quiet in court.

- DO NOT** smoke or chew gum.
- DO** silence and or turn off cell phone, pagers or other audible nuisances when you are in the courtroom.
- DO NOT** bring children to court unless they have been subpoenaed.
- DO**, when presenting your case or addressing the court, speak clearly and loudly enough to be heard.
- DO** stay calm or you can be removed from the courtroom.
- DO** stand when speaking to the judge.
- DO** call the judge "Your Honor."
- DO NOT** interrupt the judge, the attorneys or any other party in the courtroom.

In summary, even though you are not a lawyer, you will be expected to follow the Rules. Even though you are not a lawyer, you will be expected to know the law pertaining to evidence and the substance of your case. Violations of the rules and any of the above guidelines may result in sanctions being granted against you.

This information is not intended as legal advice but for general information purposes only.



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