

# 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.

*Adapted from a publication of Maryland Self-Help Network.*