

Pro Se Litigant Benchcard

General Pro Se Litigant Practices

- Demeanor. Watch your demeanor.
- Judge, Not Advocate. Do not become an advocate.
- The Record. Stay on the record at all times.
- Acronyms. Use plain English, and avoid acronyms.
- Attire. Be careful commenting on attire unless it is completely out of line. Be consistent.
- Ex Parte. Avoid ex parte communications.
- The Golden Rule. Treat everyone the same.
- Interpreter. Always use an interpreter if there are communication issues.
- Computer Screens. Try to avoid focusing on computer screens. Explain to litigant what you are doing.
- Case Continued. Ask if the litigant is available for the next court date.

At the Start of a Pro Se Litigant Civil Hearing

- Scripts. Explain to everyone how the hearing will proceed (use scripts).
- Judge's Role. Explain judge's role is to listen and decide, not to assist litigant or provide legal advice.
- Address Judge. Remind everyone to address judge and not opposing litigant.
 - Judge is making the decision.
- Interruptions by Litigants. Tell litigants not to interrupt the other side.
 - It is difficult to listen to more than one person speaking at a time.
- Interruptions by Judge. Explain judge may interrupt if litigant loses focus.
 - Explain evidence, and that you may disregard evidence if not relevant.
 - Use helpful phrases: "Help me understand." "Tell me about." "Give me some details about."
- Everyone Will Speak. Explain that every litigant will have a turn to speak to judge.

At the Conclusion of a Pro Se Litigant Civil Hearing

- Announce the Ruling.
 - With "difficult" parties, take under advisement and issue written ruling. Courtroom safety a priority.
 - Otherwise, rule immediately after the hearing. The parties want to know the decision.
- Explain the Basis for Your Ruling.
 - Burden of proof.
 - Factual findings.
 - Legal analysis.
 - Less is always better.
 - You do not have to address any argument which is unnecessary to support your ruling.
- Judge Always Prepares the Written Order.
- Questions. After ruling, ask each litigant if they have any questions of the court.