

Directions for filing a Small Claims Case in The Hamilton Municipal Court

1. 3 Copies of notarized affidavit must be printed and submitted to the Court.
2. 3 Copies of all Exhibits must be printed and submitted to the Court.
3. Audio or Video must be placed on a USB drive and submitted to the court. (We will not accept Phone Audio or Video, must be put on USB drive in standard format of MP3 and MP4)

Legal Advice

It is always a good idea to consult with an attorney and be represented by an attorney in court.

The law is complex. Attorneys are trained professionals who understand the law and how it relates to your case.

Even matters that initially look simple may raise complicated issues.

Your interests will be best protected by a legal professional.

Attorneys can be expensive, but consider this:

What might you lose if your case goes badly? Paying for an attorney may be a good investment.

Meet with several attorneys to discuss your case and their fees - don't let one consultation make up your mind.

You may qualify for legal aid or help from legal clinics or other programs - be sure to investigate the resources in your community.

Ohio courts and judges will provide a fair hearing for your case whether or not you are represented by an attorney, and it is your right to represent yourself if you so choose.

When you bring a case to court without the help of an attorney, you are taking on a complex task that is normally done by highly trained professionals. You may do yourself a disservice.

For help with finding an attorney, you might turn to your local bar association. Your local bar association is: Butler Co. Bar Assoc. 513-896-6671

Asking Court Staff

Court staff may not give legal advice. You may have questions that court staff are not permitted to answer.

Court staff may not

- × provide you with legal research;
- × tell you what sorts of claims to file or what to put on forms;
- × tell you what to say in court;
- × give an opinion about how a judge is likely to decide your case;
- × give you information that they would not give to the opposing party;
- × tell you about a judge's decision before it is issued by the judge.

Court staff may

- ✓ answer questions about how the court works;
- ✓ explain terms used in the court process;
- ✓ give you information from your case file;
- ✓ provide you with court forms and sample filings and documents.

Court staff are there to help those who use the court. They can usually tell you how to do things, but may not advise you about what you ought to do. Please be courteous to staff and respect the limits on what they may do for you.



REPRESENTING YOURSELF IN COURT

A CITIZENS GUIDE



Preparing Your Case

If you do decide to represent yourself, you need to manage all aspects of your case.

Familiarize yourself with the local court rules. Rules and procedures vary slightly from court to court, and you need to know the rules that apply in the court that will hear your case. Obtain a copy of the local rules from your court.

Make sure your filings and documents conform to local standards. Generic forms and sample filings are available in books and on the internet. However, these generic documents may not conform to the standards of the court that will hear your case. To make sure that your documents will be accepted, ask your court for forms and sample filings.

Respond to all inquiries on time. During trial preparations, you may receive inquiries from the court or the opposing party. For example, the opposing party may be entitled to “discovery” - to learn about evidence or testimony you plan to introduce (you may be entitled to do the same). If you fail to respond to such inquiries, you may limit your ability to present your case.

Rules about admissible evidence are complicated. There are many possible reasons that evidence or testimony you think is relevant and important may not be admissible in court. Since questions about what evidence is admissible are legal questions that are often contested, neither court staff nor the judge may answer them ahead of time. This can be frustrating for non-attorneys: if your case will involve contested evidence, consider again whether you need an attorney.

Make sure evidence you plan to use will be acceptable and available in court. If your case will involve evidence - documents, pictures, costs estimates, receipts, or other items - you must prepare it for court use. In particular, you must 1) bring at least three copies of all documents (for the court, for the opposing party, and for yourself); and 2) be able to verify that the documents are what you say they are or contain accurate information.

Make sure any witnesses are prepared and available in court. If your case will involve testimony from witnesses, you need to work with them before you and they appear in court. Make sure your witnesses know what you will ask, and instruct them to answer truthfully. And remember that your witnesses must be

- present at your trial (they may not, for example, prepare written statements or appear by telephone);
- prepared to answer questions from the opposing party or his or her attorney.

When you decide to represent yourself, you take on full responsibility for your case. You need to handle legal questions as well as deadlines, documents, evidence, witnesses, and any other issues that may come up. Even a seemingly simple case can demand a lot of your time and attention.

In the Courtroom

At the trial or hearing itself, you need to present your case in its strongest way. Here are some simple tips:

Make a good impression. Dress appropriately. Arrive on time with all your materials.

Respect the court. Stand when the judge enters or leaves the courtroom and when you speak to the judge. Address the judge as “Your Honor.”

Respect the opposing party. Never argue with the opposing party in front of the judge. Use respectful terms of address.

Speak clearly and succinctly. Be prepared to state your case in a few sentences. Listen carefully and answer questions directly.

Be prepared. Courts are very busy. You want to present your case in the strongest way, but you also want to help the proceedings move efficiently. The better prepared you are, the better the case will go.

The Role of the Judge

Your case will be heard and decided by a judge (or a magistrate). Keep in mind that the role of the judge is to be an impartial referee in the dispute between you and the opposing party. Among other things, this means that

The judge may not help you present your case. Helping you - by pointing out possible mistakes or by letting you know what you need to do next - would be unfair to the opposing party. When you represent yourself, you take on the full responsibility of presenting your case.

The judge may not speak with you about your case when the opposing party is not present. This is true even if the issue you want to speak with the judge about seems like a simple procedural question. Again, such communications would be unfair to the opposing party.

The judge will decide the case on the basis of the facts presented in court and the applicable law. The judge may only consider the facts as they are presented in court, through evidence and testimony. You need to make sure that all facts supporting your case are properly presented. The judge also needs to follow the laws that apply. Sometimes the law dictates which facts the judge may and may not consider. You need to make sure that you present the facts that the law requires or permits.