

Tips on Handling Your Own Case in Iowa's Courts

1. Judges and court staff cannot give you legal advice.

- They cannot tell you whether you should file a case, what you should put in your papers, or what you should say or ask in court. Why? Because:
 - Judges and court staff must not take sides in any case. It would be unfair for judges or court staff to give one person an advantage over another person in a court case.
 - If court staff gives you advice and it turns out to be wrong, you could lose your case.

2. Court staff cannot:

- Tell you what you should do about anything involving your court case. They cannot tell you;
 - Whether you should file a specific paper.
 - What words or phrases you should use in a paper.
 - What persons you should file a lawsuit against.
 - How much money to ask the other party for.
 - What questions to ask witnesses or other parties.
 - Whether to appeal a judge's decision.
 - How to fill in a form for a person involved in a case. [**Exception:** If a person has a physical disability or cannot read or write, and the person explains the disability to a clerk, then the clerk may fill in the form. However, the clerk must write down *only* the exact words provided by the person who requested help.]
- Tell you the meaning of laws or court decisions.
- Perform legal research for a person involved in a court case.
- Predict the outcome of a case, a paper filed, or some other action in a case.

3. Court staff can:

- Provide public information contained in: dockets, calendars, case files, indexes, and reports.
- Show or tell where to find laws or rules.
- Identify approved court forms that might meet the needs of a person who doesn't have an attorney.
- Answer questions about where to write in particular types of information on court forms -- but not what words to use when filling in the forms.
- Define terms commonly used in court.
- Provide phone numbers for lawyer referral services.

4. You cannot talk to the judge unless all parties and attorneys are present.

- You cannot communicate with the judge about your case by email or regular mail – unless you send copies of your email or regular mail to the other people involved in your case.
- You cannot talk with the judge about your case by telephone or in-person unless all other parties are on the phone at the same time or in the same room together.
- This rule is important because it prevents a person or an attorney from giving information to a judge that the other side does not know about. This would be unfair to the other side.
- If you want to give the judge information you think is important for your case – or you want the judge to take some action related to a case – you must:
 - Put the request in writing. (See approved Iowa court forms for examples of how to do this.)
 - Make enough copies for you and all the other parties.
 - Take the papers to the district court clerk's office. The clerk will stamp each copy and keep one.
 - Deliver a copy to each of the other parties or their attorneys. Keep a copy for yourself.

5. Be prepared

- Keep copies of all the papers you file in court and the ones you get from the other party.
- Know what evidence you need to prove your case. If possible, ask an attorney what you need to do before you go to court and what to do at the court hearing.
- Bring papers and witnesses that will help you win your case.
- Bring at least three copies of each document you want to use as evidence — one for you, one for the other party, and one for the judge.

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- If a witness refuses to come to court to testify, you can ask the court to issue a subpoena (pronounced “suh - peena.”) It’s an order requiring a person to come to court. Be sure to ask the clerk’s office for a subpoena several days before your court hearing.
- Bring physical evidence, if there is any. This might include a canceled check, contract, or invoice. If your case involves damaged property, bring the damaged item or a photograph of it.

6. Be on time

- If you are not in court when your case is called, and the other party is present, the judge might enter a judgment against you.
- If neither party is on time, your case might be skipped. You might have to wait until the very end of the court session that day before your case is called again. Or you might even have to come back on another day -- possibly a few weeks later.

7. Know and follow court rules

- Judges cannot make exceptions for people without attorneys. You could lose your case if you do not follow the correct procedures.
- When you file a paper at the district court clerk’s office, you must mail or deliver a copy of that paper to the other party (or parties) or the other party’s attorney. Always keep a copy for your records.

8. Be courteous and respectful

- Make a good impression on the judge. A judge can hold a person "in contempt of court" for bad behavior. This could result in a fine or time in jail.
- Wait for your turn to speak. Do not interrupt the judge or the other party. If you interrupt others in court, the judge will stop you and instruct you to wait your turn.
- *Turn off your cell phone.*

9. Dress appropriately

- You should wear a suit or sport coat, if you have one. Otherwise, wear nice, clean casual clothes and shoes. Remove your hat or cap while you are in the courtroom or in the judge’s office.

10. Speak loudly and clearly so everyone in the courtroom can hear you.

- Judges and the other parties in court need to hear the facts correctly. The judge needs to hear you clearly so that he or she can make a correct decision.

11. If you can’t attend a court hearing – or can’t be on time – you must inform the court.

- You must have a *very good reason* to reschedule any court hearing.
- To reschedule a hearing at the *last minute*, there must be an emergency.
 - You should immediately call the district court clerk’s office where your hearing is scheduled.
 - Calmly explain your problem, and ask to reschedule the hearing or trial. Court staff will write down the request and contact the judge. The judge will decide whether your reason for changing the hearing or trial date is serious enough to grant your request.
 - Give the clerk your phone number where you can be contacted that day.
- If something very important comes up *two or more days before the hearing* – like a death in the family or an accident that puts you in the hospital – you must submit your request for a new hearing date or time in writing and file it with the district court clerk. In a divorce case without minor children, use the family law Motion form (**FL-122**) to ask the court for a new hearing date.
 - Do this as soon as you know you need to reschedule the hearing.
 - After you file the Motion at the clerk’s office, deliver a copy of your request to the other party.
 - It’s more likely a judge will agree to your request if you get the other party to sign a written agreement to change the hearing time or date – and include it with your Motion for a new hearing date.
 - The clerk will give your request to a judge. Because judges are busy, you probably won’t get an answer right away.
- **NOTE:** If you do not show up for the trial at the time it is scheduled -- and the other party does show up -- the judge may enter a judgment in favor of the other party.