

fuck the lawyers, I'm going pro se - a primer

July 22, 2021 | 27 upvotes | by [pegleg_legal](#)

General rules: If you can afford a lawyer, you should hire a lawyer. If the other side has a lawyer, you should have a lawyer. If you're going *pro se* on principle because you hate lawyers, well, you've just given yourself another hill to die on because I guess your stbx isn't providing you enough of those. This isn't legal advice.

View of pro se parties: Judges, lawyers, clerks, and bailiffs don't look down on *pro se* litigants because they don't have money. And in fact, they feel for the *pro se* litigants and are actually very helpful **IF** they believe you're "trying". The collective eye-rolling begins when an unprepared *pro se* comes into the court demanding things and ignoring procedure because this wastes everyone's time - especially the other litigants who are there waiting for their turn to see the judge. Additionally, I've seen judges absolutely hammer lawyers who abuse *pro se* litigants in the courtroom. No one hates *pro se* litigants, we hate inconsiderate, unprepared assholes and bitches who make everyone's job harder without giving a shit.

My pro se experience: Before law school, I pled not guilty to a traffic ticket and got my case dismissed in Lakewood, Colorado. I had to approach the prosecutor three or four times before he would talk to me, I had evidence with me for him to review and the cop didn't show up, I was persistent but not annoying - well he probably thought I was annoying but he *nolle prosecui'd* the case. YUGE WIN.

Rule Number 1: You will read a lot. If you don't like reading boring shit, don't go *pro se*. Law is not rocket science but it can be pretty confusing and dry reading. And behind every statute is a wealth of court cases interpreting that statute. EDIT: And read **all** of your case's paperwork - every word. Everything the court orders, everything she files, everything - and understand it. You can't begin to represent yourself if you don't know what is going on. Plus, you should do this even if you are represented.

Rule Number 2: You will write a lot. If you don't like writing boring shit using complete sentences, don't go *pro se*. Just about every fact the court will eventually decide on appears as an allegation in some sort of pleading or motion first. EDIT: And take notes, when the other side is talking, when you have something to say to the judge but it's not your turn. Pen and paper with you everywhere. Thanks [/u/jgoodstein](#)

Rule Number 3: Procedure precedes Substance. Courts are, more than anything else, creatures of procedure. Divorcing people are creatures of emotion and substance. These don't often go well together because you want to run in and tell the judge how shit the other side is, but they're not ready to hear that until the preliminaries are done. Follow the roads and the street signs to get where you're going.

Rule Number 4: Procedure often pre-empts Substance. Every court follows a number of sets of procedural rules, you should read all of them. There's the procedure code at the state level, the local rules and the courtroom rules. If you're only going to read one set of rules, you lazy bastard, read the courtroom rules for your judge so you don't piss them off. If it says don't wear a blue tie on Thursdays, then don't.

Rule Number 5: Be nice. Be polite, respectful, patient and fucking nice - especially to your judge's clerk. Wait your turn. Follow the lead of others. On your court date, arrive on time and check in with the clerk.

"Hi, how are you? Please. Thank you."

Mean it and listen to the response - clerks spend their days helping others with almost no gratitude.

Rule Number 6: Be prepared. Practice what you're going to say in the mirror a bunch of times before you go in.

"Good morning your honor, my name is Bob Jones - J - O - N - E - S -, the petitioner in this case, and I am here on my petition for rule to show cause for the respondent's failure to respond to my discovery requests."

If you nail that opening, chances are you will get a shit ton of slack for the rest.

Rule Number 7: Wait your turn and address the judge. Don't interrupt the other side or directly address the other side, even if the other side says some bullshit unless you are in a position to object (*which you probably won't be unless there is a witness sworn in*) or if you have permission from the judge. Courtrooms are like bowling, everyone takes turns and the judge bowls whenever they fucking want so you better get out of the way. So for god's sake don't interrupt the judge. When there is a pause -

"Your honor, I disagree with what the respondent's lawyer has said. May I?" "Your honor, I beg to differ. May I?" "Your honor, may I respond?" "Your honor, may I clarify?" "Your honor, I think there is a misunderstanding. May I?"

Not - "Judge, that fucking sack of shit lawyer of my soon to be ex bitch is a lying shit heel." or even worse "Counsel, you're a fucking lying sack of shit." Every time you reassure the judge that you know it's their courtroom and you know the basic rules, you build credibility, which will probably buy you some more slack and time for when you have to get out a difficult or unclear thought.

Rule Number 8: Explain your attire. Dress the best you can. And if you can't dress appropriately, apologize to the court and tell them why the first chance you get. This is the number one way to get your story before the judge outside of the official process.

"Your honor, I'm sorry, I just took unpaid time off from work for this hearing and need to go right back so I didn't have time to change." "Your honor, I'm sorry for my appearance but all my suits are in the house and according to the emergency order I can't contact my stbx or go to the house to get my things."

Right there, you've told the judge you're following the order and probably why you're there. And damn if they won't feel something.

Don't push it too far but these little things make you human and can be important.

Rule Number 9: Use the help that's offered. Use the resources you're provided. Sometimes there are people there to help you fill out forms. Most courts have law libraries which contain books with sample motions for everything you could possibly want to file. Desk and Filing Clerks aren't supposed to help with a lot of things but sometimes they do, and they know the system better than any lawyer and most judges because behind the scenes they run the show. Especially things like service of process and making sure you have all the necessary documents together.

Rule Number 10: Win some, lose some. Don't throw a tantrum if you don't get what you want and for fuck's sake, don't start talking about your Constitutional rights to free speech and shit after the judge tells

you to sit down and shut up, because you're done. You can ask to say more or you can ask the judge to reconsider - but that's about the limit of what they'll tolerate.

Rule Number 11: You're not a lawyer. Don't pretend to be a lawyer. Don't try to talk like a lawyer. Don't try to make complex legal arguments like a lawyer. You'll end up looking foolish. Don't use big words unnecessarily and don't use big words incorrectly. Be plain spoken and direct.

Rule Number 12: Speak slowly. Speak slowly. If there is a court reporter present, which there usually is, they will need to keep up. You can be nervous - everyone is nervous so don't be embarrassed by that. Just take some deep breaths and say what you need to say the best that you can - but say it slowly. Nervousness makes us speak much faster and it is a problem if something important doesn't make the record. Pause at the end of sentences. Notice the pace of the judge and the other lawyers in speaking - that's your guide.

That's all for now, I know there are some other lurking lawyers who might weigh in and anyone who has gone pro se - would really like to hear your experience and advice.

EDIT: we'll make it 12 rules in Jordan Peterson style

TL;DR - if you're only reading this, don't go *pro se*

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Comments

nyegeza • 10 points • 22 July, 2021 10:02 AM

If all these troubles are caused by getting married, why marry?

I have made peace with it, marriage is not for me.

dday_throwaway3 • 9 points • 22 July, 2021 10:51 AM

Marriage isn't worth it today, and you could fill multiple threads about it.

thefudmaster • 3 points • 22 July, 2021 03:42 PM

Agreed.

thefudmaster • 1 point • 22 July, 2021 03:21 PM

Game. Set. Match.

dday_throwaway3 • 6 points • 22 July, 2021 10:50 AM

Great advice. I've work with men going through divorce regularly, and this is what I tell them:

Divorce is a minefield and you need an expert to guide you through the danger zone so you don't end up like Lt. Dan. It is not the time to DIY. You can find a YouTube video to remove your own appendix, but that's not something wise to do. You get one chance to get divorce right: You want results, not a bargain. Trying to fix your marriage settlement agreement or parenting plan after it is final will cost you multiples of time, attention and money -- assuming you have a significant change in circumstances that allows revisiting it.

Audisans • 2 points • 22 July, 2021 03:01 PM

Just curious, are you like a divorce coach? Or just happen to know a bunch of dudes getting divorces?

dday_throwaway3 • 3 points • 22 July, 2021 03:19 PM

I belong to a community of men that help other men get through divorce that's been around for 20 years (forum.mensdivorce.com). I found them when going through my own divorce, and they helped me straighten my mindset and focus on what matters. After I divorced, I started contributing and helping out other men there and in this sub. That was three years ago. I don't provide legal advice -- I'm just a dude like you. I do provide time-tested tactics and strategies that work well to minimize the time and cost during divorce. Most of the time that means acting as a coach, so men don't use their attorney as a therapist.

pegleg_legal[S] • 2 points • 23 July, 2021 01:26 AM

I took this course while I was stuck in the U.S. last year - really gave me a different outlook on divorce and how to help people outside of the legal: <https://certifieddivorcecoach.com/> - you'd be awesome. But you probably have a good day job already.

dday_throwaway3 • 1 point • 23 July, 2021 05:12 AM

I'll definitely take a look. This is something I've been considering doing on the side. Thanks!

Audisans • 1 point • 22 July, 2021 06:23 PM

I signed up for that forum years ago -- never got the admin approval to join :(

But good on you for "going back into the lion's den". So many men finalize their divorce then never want to talk about it, much less go back and help other men through it. I've done a little bit of that off and on over the years and was just recently thinking about compiling everything I learned into a book or course to help men who are just starting out on the divorce chapter of their life. I spent 10 years in court over custody issues, lots of lessons learned that I don't feel should be kept only to myself.

dday_throwaway3 • 3 points • 22 July, 2021 08:15 PM

never got the admin approval to join

There were forum issues for a while. Try again, shouldn't be a problem now.

I spent 10 years in court

Your ex must be NPD or BPD.

Audisans • 2 points • 22 July, 2021 09:31 PM

Situations changed a LOT. Not married, so went from no parental rights, to joint, to full custody.

rsmiley77 • 2 points • 23 July, 2021 01:38 AM

It's so important for us men to start talking more about our experiences. You can bet the other side is talking about it.

ninjafudo12 • 7 points • 22 July, 2021 12:08 PM

Did pro se.

I wouldn't have done it if the ex wife was not also doing it. We agreed on everything. The only potential snag was the house equity we built up for 2 to 3 years.

If I had kids I would have gotten a lawyer. Or if the ex wife and I didn't agree on anything. I was so lucky. The whole time the ex and I were separated I just treated her with civility and respect (in some ways difficult to do) and prayed we wouldn't fight and then waste money on lawyers.

It worked for me but for aggressive cases I'd be worried to be pro se.

I'm glad I did though. Saved me a bunch of money and the court case was on the phone which helped me as well.

brianh777 • 3 points • 22 July, 2021 06:44 PM

Did the same - 7 years married - kept finances separate no kids involved. We got together - agreed on everything and filled out paperwork. Went in front of the judge - if anything changed at that point I would have requested a continuance and retain counsel. As it was all we (I) paid was filing fees and such. I am sure this was NOT the norm.

FUMoney • 4 points • 22 July, 2021 03:14 PM

Men, if you are pro se, this is your bible. Every syllable is true.

thefudmaster • 3 points • 22 July, 2021 03:21 PM

I've represented myself through trial. My ex was neglecting/abusing our shared children, and the judge didn't side with me. Going pro se is not a bad thing though. I got the same judge disciplined and recused from my case

after filing a complaint as he was incompetent.

jgoodstein • 3 points • 22 July, 2021 05:55 PM

I ran out of money and had to go pro Se this is a great write-up. I'll dig up my notes in the 4+ boxes of paperwork I prepared for trial.

pegleg_legal[S] • 1 point • 23 July, 2021 01:26 AM

Good point on the notes - I'm adding that.

[deleted] 22 July, 2021 02:12 PM

[permanently deleted]

postalmaner • 1 point • 22 July, 2021 05:10 PM

I think that was their point on their level of experience: "I did pro se, I was such a newb that the only time I'd been to court (and was successful) before was when the cop didn't show up."

25_years • 2 points • 22 July, 2021 10:28 PM

In your "General Rules", I notice you didn't cover the most common category: Men who can't afford a lawyer (especially if there's a lengthy trial). I also note that you omitted a comment you made the other day, that Pro Se litigants are fools.

Supposing it's true that Pro Se litigants are fools, do you really think they deserve to be bulldozed in court? They deserve to lose their children? They deserve to be driven to suicidal despair? All because you need to make payments on that new Mercedes? Hell of a system you got there.

While the court blathers on and on about the "best interests of the children", they simultaneously are happy to punish children by rendering them fatherless because their father wouldn't or couldn't pay a lawyer.

And they wonder why there are metal detectors at the courthouse entrance. You push some men too far, and you get what you get.

pegleg_legal[S] • 1 point • 22 July, 2021 11:02 PM

I'll be your bullet sponge. Don't worry.