

TRIAL GUIDE FOR SELF-REPRESENTED LITIGANTS

Telephone: Fax:

Courtroom: **Office: Room**

COURT RULES		Comments
Applicable Rules of Court	The same rules that apply to attorneys apply to self-represented litigants. Review the Trial Court Rules. You are expected to follow them.	
Where to file written materials:	Judge's Office Marion County Courthouse 100 High Street Salem OR 97301 Mailed materials must be sent a week in advance of hearing to: Judge _____ PO Box 12869 Salem OR 97309	
When to submit materials:	9 AM day before hearing/trial, unless court allows	
Copies:	Provide one copy for the other side and one copy for the judge. Must deliver all documents to the other side and the judge 9 AM the day before the hearing/trial.	
Emergency motions:	Must be submitted with proper paperwork and appropriate factual basis; contact staff to schedule. Statutory deadlines apply	
Hearing Times:	Do not be late for Court. If you are late or fail to appear, the Court may dismiss the case or enter a judgment against you.	
Parenting Class	The parenting class, COPE or other court approved class, MUST be completed before your trial date.	
Scope of Hearing:	The Court cannot grant any relief that is not included in the Petition or Response and Counterclaim.	
Temp custody/support/visitations:	Any request for a temporary Order will be set for hearing at first case management conference, unless emergency	
Trial Fee:	The person who brought this matter, including modifications, before the court is required to pay the \$125.00 trial fee 7 days prior to your trial date. You can pay the fee at our accounting department window on the first floor. If the fee is not paid by the deadline, your trial will be cancelled. The court will not reset your trial until the fee is paid. Failure to do so in a timely manner will result in a dismissal of your case.	
Uniform Support	Required document in all cases involving any sort of	

Affidavit:	support. Completely fill out the document (included in custody packet). Return it to the court by the deadline listed above.	
Postponement:	If there is an important reason you need to postpone your trial date, you must ask the court for a postponement in writing at the above address, and you must give a copy to the other side. If it is an emergency, please call the other party and the judge's office right away. The Court will respond to your request in writing indicating whether or not the trial will be postponed. If your request is denied, you are required to appear for trial. If you do not come to the trial, the other side may win. If your trial is postponed, your new trial date may not be for several months.	
CASE MANAGEMENT CONFERENCES		<i>Comments</i>
How scheduled:	(same) First status conference set by staff. Additional case management conferences will be scheduled during case management conference with Judge.	
How Notice issues:	First conference: notice by mail Subsequent: status sheet copied	
Frequency/Purpose:	As needed to address issues/ scheduling/ keep case progressing toward resolution.	
Duration:	5-30 minutes	
Who attends:	Parties, attorneys if any	
Preparation:	(Same)Bring your calendar. Prepare to update court on pending issues and schedule trial.	
Check in:	Check in with Judge's office as soon as you arrive. You will be directed into the Courtroom.	
MEDIATION AND SETTLEMENT		<i>Comments</i>
How started:	Parties are required to attend Mediation Orientation and to participate in Mediation in good faith, in an effort to resolve issues relating to custody and parenting time	
How scheduled:	In person, by email or phone with the Mediator, after Orientation	
Who attends:	Parties, and influential support person at discretion of mediator.	
Settlement	If you settle your case before the trial date, you must notify the court immediately in writing at the above address. The Court will not cancel the Trial date unless it has received and signed a Judgment.	

DISCOVERY		<i>Comments</i>
<p>Full Discovery - Discovery is the trading back and forth of copies of documents that may be relevant to the issues to be decided at trial. Standard items to be provided in discovery (traded back and forth) may or may not include:</p> <ul style="list-style-type: none"> • Tax Returns • Pay Stubs • Credit Card Bills • Pension or other investment information • Bank Records • Day Care Records • School Records • Insurance Records • Medical Bills or, • Other relevant information 		
TRIALS		<i>Comments</i>
Day of Trial:	<p>Arrive early enough to give yourself time to find the courtroom, meet with your witnesses, mark your exhibits, and get organized. You should plan to arrive at least 30 minutes before your trial. If you go into the courtroom early, be quiet and polite to the court and other people who are having a case heard by the judge.</p>	
Dress Code:	<p>Wear clean, neat clothing such as you would wear to an important job interview. Do not wear hats, shorts, jeans, half-shirts, tank tops, sneakers, excessively high heels, sandals, or anything else that is too tight, too short, low cut, or shows your stomach.</p>	
Exhibits:	<p>Give to Court Clerk at the beginning of the trial:</p> <ol style="list-style-type: none"> a. Three lists of all exhibits; One for the clerk, one for the other side, and one for the Judge. b. Three copies of every exhibit you want to show the Judge; One for the clerk, one for other side, and one for the Judge. c. The judge may not allow you to submit certain items as evidence if the other party objects and the judge rules that, based on the Oregon Evidence Code, the evidence is not admissible. The Oregon Evidence Code is in the Oregon Revised Statutes at Chapters 40 to 45. (http://www.leg.state.or.us/ors/vol.html) d. Uniform Support Declaration. 	
Witnesses:	<p>Final witness list due before the trial starts. Make sure your witnesses are here on time. The Court will</p>	

	not wait for a late witness. You are responsible for arranging for your witnesses to show up. Witnesses are to remain outside the courtroom until the judge allows them into the courtroom.	
Telephone Testimony	If you wish to have a witness testify by phone, that is a special request. There must be a specific reason that the witness cannot come to Court. If you want a witness to testify by phone, you must request this in writing, two weeks prior to the day of trial, and send/give a copy of the written request to the other side. The Court may or may not allow a witness to testify by phone.	
Written Testimony	If you wish to have statements/letters from someone be read by the Court that is a special request. Normally, a Court may not receive written testimony or written opinions into evidence. There are some exceptions. If you wish to place written testimony or letters regarding someone's opinion before the Court, you must request this in writing, 2 weeks prior to the day of trial, and send/give a copy of the written request to the other side. The Court may or may allow the written testimony or letters regarding opinions of others to be presented in court.	
Do you or your witness need an Interpreter?	The court will provide a certified interpreter to help you in court. Call the trial court administrator or clerk's office at least one week in advance of the court date.	
Do you or your witnesses need accommodations under the Americans with Disabilities Act?	If you or one of your witnesses requires a sign language interpreter, assisted listening device, materials in an alternate format, or other accommodations, please contact Court staff at one week in advance of the court date.	
Concern about Safety in Court?	Marion County Circuit Court has metal detectors and law enforcement officers stationed at the courthouse. If you want a law enforcement officer in the courtroom during the trial, call the Judge's office well before the trial. You may also ask to have someone walk with you to your car after the trial.	
Cell Phones	Cell phones and pagers are not allowed in the courtroom unless they are completely turned off.	
Children	Children involved in the custody case are not allowed in the courtroom without prior permission from the judge. If you bring your children with you to court, be sure you bring someone to watch them	

	outside the courtroom if they are not old enough to care for themselves.	
Court Hours:	The Courthouse is open from 8:00 a.m. to 5:00 p.m. Lunch break is from Noon to 1:00 p.m., unless noted.	
Website Information	http://courts.oregon.gov/marion	

TRIAL PROCEDURES	<i>Comments</i>
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<ul style="list-style-type: none"> • Be on time. Bring all papers or exhibits that you need for your trial. You may use written notes during the trial. • No food or drinks are allowed in the courtroom. Do not chew gum or tobacco. • Take off hats. • Turn off cell phones and pagers. • Stand when the judge comes into the courtroom. • Sit down when the judge or clerk asks you to sit. • Be polite to everyone. Do not interrupt anyone during the trial. Stop talking when the judge talks. • Talk only when it is your turn. When you address the judge, you should stand up. • The judge may ask you questions. If you do not understand the question, tell the judge. Do not answer a question unless you understand what is being asked. • If you do not know the answer to a question, say so. Don't guess. • Take your time answering questions and explain your answer if you think it will be helpful. • Be honest with the judge, if the judge thinks you are being dishonest about some things, they may not believe the rest of what you have to say. • Don't repeat what has already been said. • Be brief when you can. • Use your own words to say what you have to say. You do not need to use legal terminology. • Don't argue with the judge or anyone else. • Address everyone in the courtroom formally, calling them "Ms. Jones" or "Mr. Smith," rather than using first names. • When you speak to the judge, call him or her, "Your Honor." • Be calm. Stick with the facts. Do not lose your temper. • If you are not sure what to do during the trial, ask the court clerk or the judge. • Your witnesses and people in the audience must be quiet during the trial, except when it is time for them to testify. You and they should not react to what witnesses and the judge say by talking 	
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	<p>or making faces.</p> <ul style="list-style-type: none"> Remember, the judge cannot talk to you about your case, except when your case is being heard in the courtroom when the other party is present. Court Staff may not give legal advice. They cannot tell you what to do, what to file or how to read a court document. They do not interpret, enforce or amend Court Orders. 	
<p>What is the layout of the courtroom?</p>	<p>The "bench" is where the judge sits. The court reporter, if present, will sit in front of the judge. The judge's clerk usually will sit at the front or to the side of the judge. There will be at least two tables in front of the bench. You will sit at one of these tables when your name is called. Only parties and attorneys may sit at the tables unless the court allows otherwise. Your witnesses will sit in the audience section or outside the courtroom until they are needed. The place where witnesses testify is called the "witness stand." It is next to the bench. Sometimes the judge will tell you that you can testify from your seat at the table.</p>	
<p>Who will be at the trial?</p>	<ul style="list-style-type: none"> The judge and staff (perhaps including the court reporter). A deputy sheriff, if security staff has been assigned. The other party. Witnesses. Attorney's, if any. There may be a number of other people in the courtroom. They may be waiting for their own case to be heard, or they may be watching court cases. 	
<p>How will you know when the trial begins?</p>	<p>The judge or clerk will call your case. Stand and let them know you are there, and then wait for further instructions.</p>	
WHAT HAPPENS AT THE TRIAL		<i>Comments</i>
<p><u>Opening Statement:</u></p> <p>The judge may ask you and the other party to give an "opening statement." This is when you tell the judge about your case, what you want, and why the judge should rule in your favor.</p> <p><u>Presenting Your Case:</u></p> <ul style="list-style-type: none"> The petitioner (the person who filed the case) goes first. Then the respondent (the person who has been complained about) goes 		

next. You should have a written list of everything you need to prove, and how you are going to prove it by using witnesses and documents.

- If you do not have a lawyer, you will be allowed to tell the judge (“testify”) on your own what has happened, and why you should get what you asked for in the Complaint or Answer. The judge may ask you some questions. When you finish testifying, the other side has a chance to “cross-examine” (ask) you about what you told the judge. Once the other party or their attorney has finished asking questions, you will have the chance to explain anything that was brought up in the cross-examination. Testify only about what you know; do not guess. If you do not know the answer; say so.
- When it is your turn to present your case, you may call your witness/es. They will be sworn in; then you may begin questioning them. You should have written down the questions you want to ask. Make your questions short and to the point. Do not argue with the witnesses, it is important that you are asking questions and not making statements. When you have asked all your questions, the witness will be cross-examined by the other side. You may be allowed to ask more questions of the witness to follow up on their answers. Ask the judge if you are allowed to ask a witness more questions.
- When the other side calls its witnesses, you will be able to question those witnesses. Ask questions; this is not another chance for you to make statements.
- Once the respondent finishes his/her presentation, the judge may let the petitioner “rebut” or contradict testimony or evidence presented by the other side. If so, the petitioner and/or other witnesses can retake the stand, or offer documents into evidence.