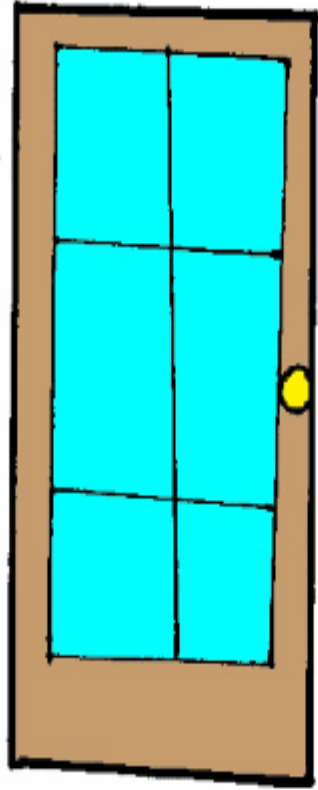


**The Self-Represented Litigant  
and  
Court Coordination**

# How to Keep from Pulling Your Hair and Throwing Things





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**The court coordinator or administrator is the access point at which attorneys and litigants get face-time with the judge.**



**The court coordinator decides when that person will have access to the judge and how much time will be given for access.**

**Self representation is not a fad and will  
be with us for the foreseeable future.**

**The question for all of us is this:**

**How do we deal with it?**

# **SRLs adversely affect the justice system by:**

- **clogging the courts**
- **consuming the time of court personnel;**
- **increasing the legal fees;**
- **increasing the number of cases that advance to litigation; and**
- **risk of cases being decided on technical errors rather than on the merits.**

**“Guidelines and Instructions for  
Clerks and Court Personnel Who  
Work with Self-Represented  
Litigants in Texas State Courts.”**

**Texas Office of Court Administration  
September 2015**

**What is Legal Advice**

**versus**

**Just Good Information**



# **Legal advice is a written or oral statement that:**

- Interprets the law, court rules, or court procedures;**
- Recommends a specific course of legal conduct; or**
- Applies the law to the individual person's specific factual circumstances.**

# **Clerks and court staff may do the following:**

- ▶ Provide public information contained in dockets, calendars, case files, and other reports.**
- ▶ Recite common court rules, procedures, administrative practices, and explain generally how the court and judges function.**

**(Cont.)**

- ▶ **Refer self-represented litigants to a law library or the court's website for statutes, court rules, or forms.**
- ▶ **Explain the meaning of terms and documents used in the court process.**
- ▶ **Answer questions concerning deadlines or due dates (without calculating due dates).**

**I Can:**

**Refer to common websites**

**Provide approved handouts**

**Provide approved forms**

**Refer to Court Rules and Procedures**

**Explain your court's procedures and local rules of conduct**

**Recommend filing certain pleadings or papers**

**Recommend wording or content**

**Recommend who the parties should be**

**Recommend specific claims actions**

**Recommend damages and recovery**

**I cannot:**

A diagram consisting of five blue arrows pointing from the text 'I cannot:' to five specific legal tasks listed above. The arrows originate from the right side of 'I cannot:' and point towards the left side of each task, indicating that the speaker is unable to perform these tasks.

# **And, I cannot:**

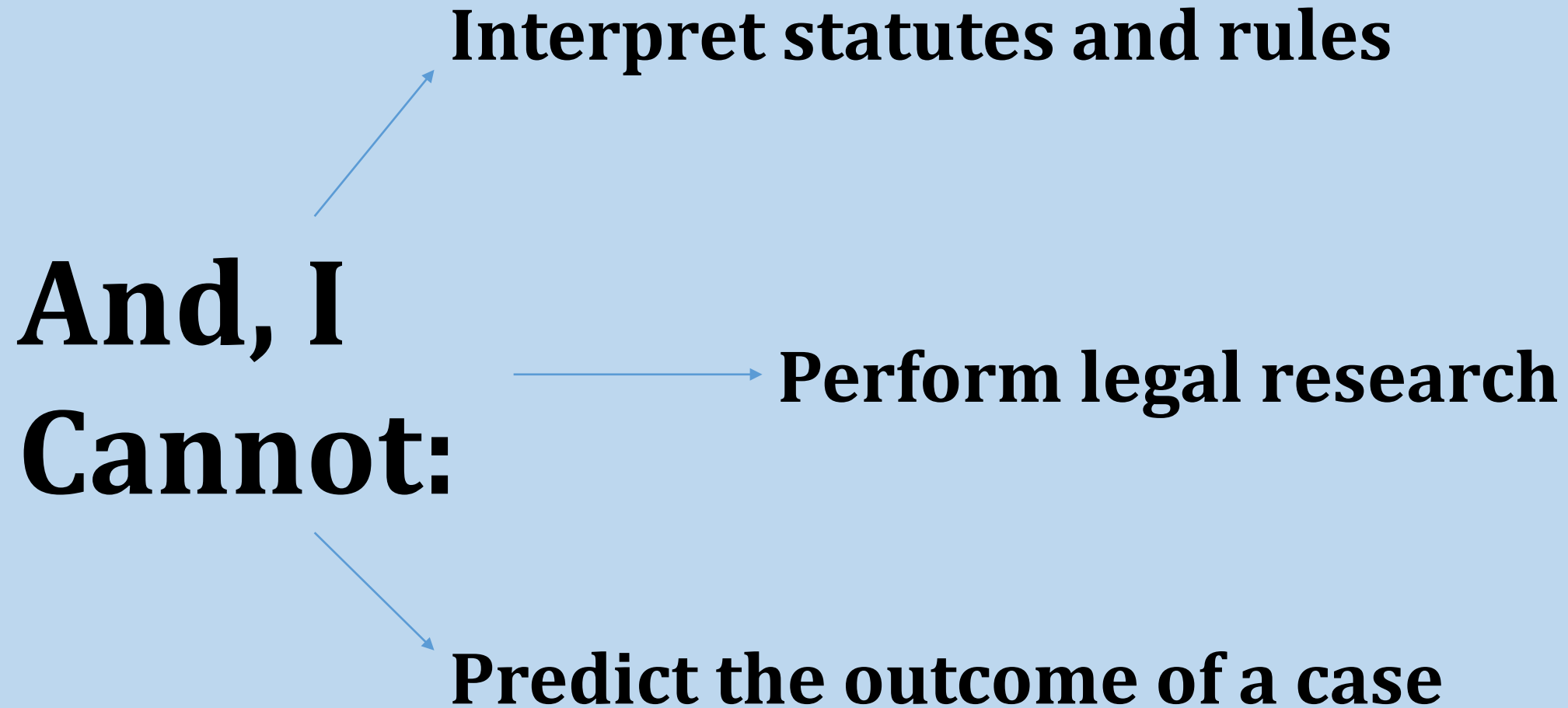
**Recommend settlement**

**Recommend motions to file**

**Recommend a continuance**

**Recommend objections to raise**

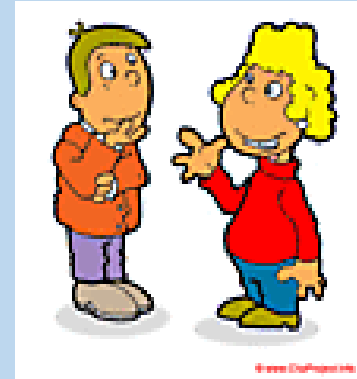
**Recommend courtroom & evidence techniques**



# What else can I do?

**Listen closely and ask questions.**

**Be patient**



**Explain answers and give reasons**



# Help with ADA Court Patrons

**Help fill out forms by writing  
exactly what they say**

**Go with them to the Clerk's Office**

**Provide simple instructions**



# Language Assistance

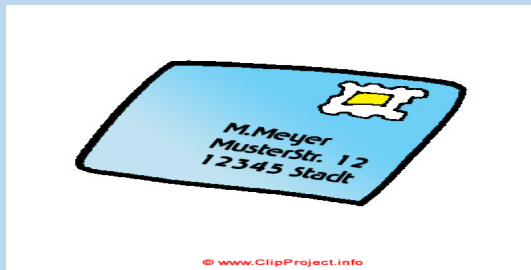


**Generally, the same rules apply.**

# *Ex parte* Communication

What is it?

Why is it important?



**An ex parte communication occurs when a party to a case, or someone involved with a party, talks or writes to or otherwise communicates directly with the judge about the issues in the case without the other parties' knowledge.**

**A judge shall not initiate, permit, or consider *ex parte* communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter.**

**Except:**

**When circumstances require it**

**For scheduling**

**Administrative matters**

**Emergency purposes**

# **Who can represent themselves?**

**Generally, anyone who is making a claim or defending a claim in their personal, individual capacity.**

# **Caution!**

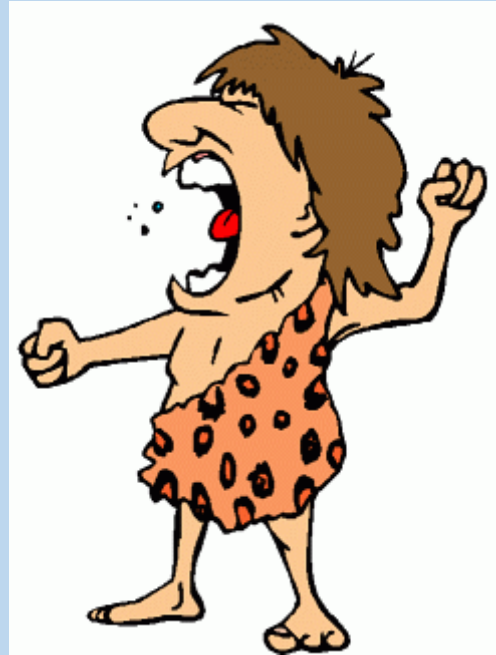
**There are rules that apply to corporations, trusts, estates, associations, and other non-person entities, that do not apply to individuals.**



**Be careful about making  
conclusions on whether a person  
has a right to represent themselves  
in any particular case**

**You could be giving legal advice  
that affects the ultimate outcome of  
a case.**

# What is a vexatious litigant?



**A vexatious litigant is not simply the person who is a pain in the neck.**

# **Best rule of thumb:**

**Your judge is the ultimate authority in your office of whether a person meets the requirements of being labeled a vexatious litigant.**

# **The aggressive self-represented litigant**

**“Don’t argue with an idiot. He  
will drag you down to his level  
and beat you with experience.”**

**Keep Your Cool and Maintain Composure.**

**Keep Your Distance and Keep Your Options Open.**

**Depersonalize and Shift from Reactive to Proactive.**

**Know Your Fundamental Human Rights**

**Put the Spotlight on Them & Reclaim Your Power.**

**Display Superior Composure Through  
Appropriate Humor.**

**Set Consequences to Compel Cooperation.**

# Resources

**Albert M. McCaig, Jr.**  
**Judge, 506<sup>th</sup> Judicial District Court**  
**836 Austin Street, Suite 307**  
**Hempstead, Texas 77445**

**979.921.0921**

**[www.court506.com](http://www.court506.com)**

**Ask for Susie or Robyn**