*My Laws, My Courts, My Maryland:*

***Should I Represent Myself?***

We are a “do it yourself” society. You can find a book or online video to solve many types of problems. Many people want to learn how to fix their own sink or knit a scarf. But what about handling legal problems on your own? First, consider what type of case you have, and the complexity of your case.

Consider getting legal help if:

1. You have a criminal case. In most situations, you have a constitutional right to a lawyer if you’ve been charged with a crime. If you can’t afford one, you may seek the assistance of the Office of the Public Defender. Defendants may face significant consequences, including losing their personal freedom.
2. You’re a victim of domestic violence. Your safety and life may be at stake. Lawyers can help victims make decisions in their best interests. A lawyer can also refer you to community resources that can help you get out of a bad situation.
3. You’re going to sign a contract that will seriously affect your finances. Many people struggle to understand some legal documents. Having a lawyer review an important contract can ensure that the writing reflects what you and the other party intend. The lawyer can also make sure that the contract protects your rights and covers unexpected events.
4. Your case involves real estate. Real estate is often the largest single purchase or sale people make in their lives. A lawyer who is neutral will often do a title search on the property. But having your own lawyer during closing could prevent serious issues. Especially consider getting legal help when buying or selling an expensive property, dealing with bank-owned properties, arranging complicated financing, or handling a divorce that involves real estate.
5. You want to organize a business. Maryland formally recognizes several types of business organizations. A lawyer can explain to you the pros and cons of each type, and help you set up the business. Depending on the business’ size and needs, a partnership might be best for one business, while another should really consider incorporation. The stakes can be high in ensuring that you completed such legal procedures correctly.
6. You’re going to court regarding child custody, child support, paternity, divorce, or alimony. A family law case can have a long-lasting effect on your life and the lives of your children. If you’re at risk of losing your rights to your children, seek legal help now.
7. You have tax problems. If you owe a lot of money to the government, you may need a lawyer who can negotiate a settlement on your behalf. A lawyer can also try to extend the amount of time you have to pay any monies due. With a lawyer, you may be more likely to avoid incarceration, fines, or have the government seize and sell your property.

While these are the most common case types where a lawyer can help the most, consider seeking legal help in any other complicated case. On the other hand, you may be able to represent yourself successfully in certain cases – just weigh your options carefully.

There are some types of cases where you can get a free lawyer if you can’t afford one, or where you can hire an attorney without paying for his or her services up front. These cases include:

1. Cases involving an accident or personal injuries where you are the plaintiff or the person bringing the case. When you are suing because of harm done to you, some lawyers won’t require payment up front, but instead take a portion of what you might win. This is called a contingency fee. You can learn more about contingency fees and paying your attorney in the *My Laws, My Courts, My Maryland* videos, *Finding Legal Help* and *Hiring and Working with Your Lawyer*.
2. Delinquency or child abuse cases. In these cases, the children who are the subject of the delinquency or abuse case have a right to be represented by a lawyer. All children in abuse and neglect cases automatically have a lawyer appointed to represent them. Parents in abuse and neglect cases, and youth in delinquency cases who cannot afford counsel will have an attorney appointed to represent them.
3. Termination of parental rights cases. Parents in termination of parental rights cases also have the right to an attorney.

and

1. A criminal case where you are the defendant. You have a right to have a lawyer represent you in most criminal matters, and one will be appointed to represent you if you can’t afford to hire your own lawyer.

To summarize, there are certain types of cases where you have a right to a lawyer or should be able to get a lawyer if you want one. In these cases, you don’t need to represent yourself.

If you don’t have a right to a lawyer, and you think your case is the type of case you could handle on your own, the next question is: are you equipped to handle the types of tasks that your legal problem requires? You may have a lot at stake in this case. Some people enjoy the challenge of representing themselves. Others may find it scary or difficult.

You may be able to represent yourself if:

1. You are organized, pay attention to detail, and can keep good records. In a trial, a judge or jury will decide your case based on the weight of the evidence. That means you have to find and present the evidence effectively, according to court rules. To represent yourself, you must be willing to take the time to learn the facts of your case inside and out. You must organize the evidence, and you will need to present it to a judge or jury. You must learn and follow the rules about what type of evidence the court will accept.
2. You can stick to deadlines and be on time. Deadlines are important. If you miss a deadline, the other party could file for judgment, causing you to lose your case. If you miss or are late for a hearing, you may forever lose your opportunity to be heard.
3. You are decisive and know your goals. Most legal situations can be resolved in several ways. To represent yourself, you must decide what is best for you, and be sure about your decisions. It’s unlikely that you’ll get a second chance.
4. You can observe and react to situations as they occur. Are you flexible or do you always “stick to your guns?” You need to be open to different solutions if you negotiate with the other side. Testifying as a witness or examining someone else as a witness requires that you perceive what’s happening in the moment and react accordingly. You also need to be willing to answer the judge’s questions. Things can change in an instant in ways you won’t expect. You’ll have to respond properly to meet your goals.
5. You’re comfortable speaking in public and can explain your story to a judge. The judge must remain neutral and can’t help you with the law or your case. You’ll have to know and present the laws and the facts of your case if you choose to represent yourself.
6. You have the time to handle a lawsuit. Court proceedings are during the day, and can involve some waiting time. You may have to come to court several times. The court may postpone events on occasion. Doing legal research, investigating facts, and keeping in contact with the other party can be time consuming.
7. You’re comfortable using legal information websites or a law library. Your research of the law and court rules must be complete and accurate. There are free resources that can help you understand the law. You can find Maryland’s legal information website at [www.peoples-law.org](http://www.peoples-law.org/). Maryland also has public law libraries staffed with law librarians who can help you in person.
8. Your case is not too complicated. If the other party is unlikely to show up or argue that you are wrong, or if the case is for $5,000 or less, and is in small claims court, you might represent yourself more easily.

So far, so good? Great, but we have a few more things to discuss before you zip off to court. Some personal situations complicate matters or put you at a disadvantage without a lawyer. Consider getting legal help if:

1. You can’t afford to lose this case. This may be your one chance to be heard, and if this is a “make it or break it” case for you, you might need a lawyer.
2. You’re emotional about this case and might make poor or impulsive decisions as a result.
3. You have a close relationship with the other side. Lawyers can give you unbiased guidance. They can also act as a buffer between you and someone who knows how to upset you, or someone whom you find difficult to confront. There especially may be a power imbalance between you and the other side if you were in an intimate relationship or if there was abuse in the relationship.
4. You don’t fully understand the papers you received from the other side or from the court, or don’t know the legal basis for your claim.
5. You want to appeal your case. Generally, to win an appeal, you will have to do legal research, and write your entire argument in a certain legal format called a “brief,” if you appeal your case to the Court of Special Appeals or the Court of Appeals.
6. The other side has a lawyer. Attorneys for the other side have a duty to represent their clients and cannot help you. If you don’t understand the law, or cannot adequately defend your interests, you might end up overwhelmed by the other side’s lawyer.

Many people represent themselves successfully. Maryland’s self-help centers and court forms can make it easier to do so.

The choice of whether to represent yourself in court or to hire a lawyer is yours alone to make. If you have the right type of case and personal qualities, it can be a realistic option for you.

This has been a production of the Maryland Access to Justice Commission. For more information, visit [www.mdcourts.gov/mdatjc](http://www.mdcourts.gov/mdatjc).