

## Key Tips to Killing it in Court As Pro Se (Self Represented)

### ***Communicating Effectively:***

There's a strategy to effective communication with anyone in Family Court, your ex or soon to be ex, lawyers, judges etc. The first thing, that I notice most people fail at, is LISTENING with objectivity. Way too often we focus on the lies, the put downs, etc. so we formulate a response while the other person is talking. This has been proven to be ineffective in custody and divorce cases. It's not easy, especially when dealing with a manipulative, controlling opponent but it's something you MUST learn to master if you want to prevail. Family law is the most volatile area of law, so it brings out a variety of emotions. But not being able to put emotions in check can ruin any intentions of reaching your goals. So let the lies be told, let the accusations flow and when it's your turn you address them with a focused mindset.

One thing I do consistently to master this is anticipate the worse and practice my reaction. I do this as often as I need to until my body gives me the sign that it's "OK". It works!

### ***Etiquette in the Courtroom:***

Way too often Family Court litigants complain that the judge does not or did not listen to any of their major concerns when it came to their divorce or custody case. Although family court judges get the worst wrap in the judicial system, they are human. They can empathize with you if you learn to speak their "language".

Here are some key tips:

1. Always address them with respect using "Your Honor", "Your Magistrate", etc.
2. Don't ever let your emotions cloud your judgment. (This is not the same as not showing emotions. Showing emotions can be a good thing at times.)
3. Be persistent with the issue you are trying to get their attention on. This does not mean to ignore what the court is asking or emphasizing. It means being adamant about stating your concerns within the parameters established.
4. ALWAYS, ALWAYS, ALWAYS show the court that you are willing to work on a resolution. Now is not the time to be insistent on things going your way. If your ex or soon to be ex is the one being difficult, let them be the one to show that to the court. You don't have to be the one to say that they are not cooperating.
5. If you see the judge leaning in a particular direction with a decision that is not in your favor, offer a compromise that addresses exactly what he/she is concerned about. For example, if the court has an issue with the fact that the other parent/party is not getting enough time without having overnight, then offer an extra day, more hours, video chats, etc. Do NOT disregard the court's concerns by making excuses for not going along.

## ***Presenting Your Case:***

It's prudent to give a lot of attention to HOW you present your case in Family Court because things can backfire on you in an instant. It is no secret that I focus primarily on strategy in my work with Family Court clients. So, a large part of how I help clients has to do with "packaging" their case in a way that is going to increase their chances of getting the best outcomes.

So, your concerns, your interests, your objectives all need to be carefully prepared. Preparation, organization, formulation all plays an extremely role in how the case proceeds from beginning to resolution.

Take the time to carefully, I mean carefully map out how you will present your case. It takes knowledge, guidance, and persistence to be able to do this correctly. Come up with a strategy and stick to it. Be sure to include how you will carry out every step of the strategy. You can't anticipate EVERYTHING, but you can keep an open mind and be ready to react when necessary if your strategic plan is rock solid.

### Don't Self Sabotage

One common example of self sabotage I see in the family law realm is refusing to do something unless it can be done perfectly or denigrating others for their lack of perfection. This shows up as either parent attempting to micromanage the other.

This looks like:

1. Constant nit picking about how the other parent parents
2. Persistently dictating how things are done when the child is with the other parent.
3. Routinely bringing up things from the past that wasn't done to your satisfaction.
4. Habitually threatening to go back to court for minor infractions, i.e. being a few minutes late, not returning clothing etc.

These are all self sabotage because they fly in the face of what the courts consider "coparenting" or in the best interests of the child. And although parallel parenting makes it tough to maintain civility to this degree, it's still advisable to mind your reactions and thoughts with respect to parenting.

This is one of the things I help my current clients with. They have access to me to serve as somewhat of a "filter" or a "screener" in their case. So before they respond or react to a particular situation, they reach out to me in an effort to check their tone so that they don't exacerbate anything. I help them rephrase, reframe &/or regroup to minimize dissension.

You can prevail in your case just by having confidence. Confidence can negate the fact that you are unprepared, have weaknesses, made mistakes etc. Building confidence in the position you're taking can make a huge difference. There's a difference between being arrogant and being confident. If you fail to listen to reason, no matter who it's coming from, chances are you're displaying arrogance.

Practice your argument, ask questions, listen closely....these are some ways to build confidence.

Everyone has or should have a role in your divorce or custody situation and their role serves a purpose. Family/friends, mental health professionals, legal experts, financial services and so on.

It is important that you prepare yourself for the mental and emotional turmoil as much as you prepare for the legal battle and the financial upheaval. Of course every case is different but it is imperative to have a support system, a regimen as well as resources as early in your case as possible.

You should prepare for the mental challenges that comes along with divorce and custody for several reasons. Stress, overwhelm and anxiety/depression are inevitable. The mental toll it takes on people can rise to the level of causing mental breakdowns requiring medication and even hospitalization. But you can prepare your mind to cope with divorce and custody way in advance. You should at least reach out to a therapist or support group that can provide the guidance you need.

As for the emotional pitfalls, you cannot afford to ignore your need to have emotional support as well. Divorce and custody can have you experiencing the grief process. And the best way to get through the different stages of grief is by having a support system, someone you can talk to, cry on their shoulder or vent about things.

So I know that some of you are post'divorce or custody but still have to deal with your ex with respect to getting cooperation with asset division and/or custody-visitation.

What I've come to realize is that this time can be even more challenging because there's no open court case and so you may not have anyone you can seek guidance from. If you had an attorney that relationship ended when your case wrapped up. And if you were pro se, filing a contempt/modification petition post divorce can be confusing. So often times you are at a loss as to what to do next.

Here's the thing...you need to use even more discernment now than before. Why? Because not everything your ex does that goes against your Settlement Agreement, Mediation Agreement or court order will be addressed by the court or even be sanctioned the way you'd like. So you need to know when and if you should proceed to court or if there's another more effective course of action.

Furthermore, filing a contempt for what the judge may consider a "minor infraction" can certainly backfire on you. I can't count the number of times I've had someone tell me that

they wind up getting the short end of the stick when they were not the ones to violate previous agreements. Judges are always going to support the parent who comes across as the one making good faith efforts to resolve disputes on their own. But as I always say, know your judge before you make the next move.

If this is your current situation, you don't have an active case but have "issues" with your ex following previous Agreements then reach out to me to discuss how I can help you.

I can help you decide the best course of action based on your particular circumstances, to prepare your case to actually see your ex get penalized for violations or defend yourself if you're the one being accused of violations.