

A PLAIN-ENGLISH GUIDE FOR SELF-REPRESENTED LITIGANTS

LITIGATION SURVIVAL GUIDE

What Every Pro Se Litigant Needs to Know
Before Stepping Into Civil Court

BE YOUR OWN LAWYER

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BEFORE YOU BEGIN

A Note on How to Use This Guide

Representing yourself in a civil lawsuit — being a “pro se” litigant — is one of the most challenging things a person can do without legal training. This short guide will not turn you into a lawyer, and it is not a substitute for legal advice about your specific case. What it will do is orient you: it explains, in plain language, how a civil case begins, what the court expects of you, why the paperwork matters more than most people realize, and where the biggest traps lie — including a trap that did not exist a few years ago: relying on artificial intelligence to write your court documents.

Laws, procedures, and local court rules vary significantly by state, county, and even by individual judge. Nothing in this guide is legal advice, and reading it does not create an attorney-client relationship. Before you file anything, verify the specific rules of the court where your case is pending.

In This Guide

1. The Basics of Civil Litigation • 2. Court Rules Apply to You, Too • 3. Your Pleadings Must Be Legally and Factually Correct • 4. The Motion to Dismiss: How a Case Can End Before It Begins • 5. The Hidden Danger of AI-Written Pleadings • 6. Motions: A Closer Look • 7. Discovery: A Closer Look • 8. A Quick-Reference Glossary of Legal Terms • 9. Knowing When to Get Help • Plus: A Litigation Roadmap and Frequently Asked Questions

A LOOK AHEAD

The Litigation Roadmap, Stage by Stage

Every civil case moves through a similar sequence of stages, though the exact timing and names vary by court. This table gives you a bird's-eye view of what to expect, and where a case can end early if something goes wrong.

STAGE	WHAT HAPPENS	WHY IT MATTERS
1. Filing the Complaint	Plaintiff files and formally serves the complaint.	Must satisfy pleading rules and proper service, or the case can stall before it starts.
2. The Answer	Defendant files a written response by the deadline.	Missing the deadline risks an automatic default judgment.
3. Motion to Dismiss	Defendant may challenge the complaint's legal sufficiency.	A defective pleading can end the case here, before discovery ever begins (see Chapter Four).
4. Scheduling Conference	The court sets deadlines for the rest of the case.	Establishes the discovery cutoff and other firm dates for the litigation.
5. Discovery	Both sides exchange evidence and information.	Strict deadlines apply; noncompliance can trigger serious sanctions (see Chapter Seven).
6. Discovery Motions	Disputes over discovery may require a motion to compel or for a protective order.	Resolves disagreements over what must be disclosed.
7. Summary Judgment	Either side may ask the court to decide the case without a trial.	Can end the case a second time, now based on the evidence gathered in discovery.
8. Settlement / Mediation	Parties may resolve the case at any point along the way.	Most civil cases end this way rather than at trial.
9. Trial	A judge or jury decides any issues that remain in dispute.	Reached only if the case survives every earlier stage.
10. Judgment & Appeal	The court enters a final decision.	Either side may have a limited window to appeal the outcome.

CHAPTER ONE

The Basics of Civil Litigation

Civil litigation is the legal process people and businesses use to resolve disputes over things like money, contracts, property, personal injury, landlord-tenant issues, or family matters. Unlike criminal cases, civil cases are between private parties, and the government is not trying to put anyone in jail. Instead, the court decides who is legally right and what remedy — usually money, or an order to do or stop doing something — is appropriate.

Picking the Right Court

Before a complaint can even be filed, a plaintiff has to figure out where the case belongs. Two separate questions decide this: whether the court has jurisdiction — legal authority to hear the type of dispute and the parties involved — and whether the court is the proper venue, meaning the correct geographic location given where the parties live, where a business operates, or where the events took place. Filing in the wrong court can result in the case being dismissed or transferred, wasting time and, in some instances, causing a plaintiff to miss a filing deadline altogether.

How a Case Begins: The Complaint

A lawsuit formally starts when the person or business bringing the claim (the “plaintiff”) files a document called a complaint, sometimes called a petition, with the court. The complaint identifies the parties, explains what happened, states the legal claims being made (called “causes of action”), and asks the court for a specific remedy. It must be filed with the correct court, along with a filing fee, and it must generally be formally delivered to the other side through a process called service of process. Service is not optional paperwork — a case can be delayed or even dismissed if the defendant was never properly served.

Responding to a Lawsuit: The Answer

If you are sued, you become the “defendant,” and you will typically have a strict, short deadline — often just 20 to 30 days, depending on the jurisdiction — to file a written response called an answer. In the answer, you respond to each allegation in the complaint by admitting it, denying it, or stating that you lack enough information to respond. You also raise any legal defenses you intend to rely on, and you may assert your own claims against the plaintiff, called counterclaims.

Why the Deadline Matters

Missing the deadline to answer is one of the most common and costly mistakes a self-represented litigant can make. If you do not respond in time, the court can enter a default judgment against you — meaning you automatically lose, regardless of whether you had a good defense.

How the Rest of the Case Unfolds

Once the complaint and answer are on file, a civil case typically moves through several additional phases: an initial scheduling conference where the court sets deadlines for the case; a discovery period during which both sides formally exchange evidence; a round of pretrial motions, which can narrow or end the case before trial; and, if the case is not dismissed or settled first, a trial before a judge or jury. Many civil cases never reach trial at all — they are resolved earlier, by settlement or by a judge's ruling on a motion. That is exactly why what happens in the earliest stages, starting with the complaint itself, carries so much weight.

CHAPTER TWO

Court Rules Apply to You, Too

One of the most misunderstood realities of representing yourself is this: courts do not lower the bar for pro se litigants. Every civil case, in every court, is governed by a detailed set of procedural rules — for example, the Federal Rules of Civil Procedure in federal court, a state's own rules of civil procedure in state court, and often a further layer of local rules specific to that courthouse or even that individual judge. These rules govern everything from how a document must be formatted and filed, to what deadlines apply, to how evidence may be introduced.

It is a common and reasonable assumption that a judge will go easy on someone who is not a lawyer. In reality, courts across the country have repeatedly held that self-represented litigants are expected to learn and follow the same procedural rules that attorneys must follow. The right to represent yourself is a right to proceed without a lawyer — it is not a right to be excused from the rules of the court. Judges have limited ability to give a pro se party legal advice or to overlook a missed deadline, an improperly filed document, or a procedural defect simply because that party is unrepresented.

The Layers of Rules You Must Follow

Pro se litigants often assume there is a single rulebook to learn. In reality, there are usually several layers stacked on top of each other. At the top sit the Federal Rules of Civil Procedure in federal court, or a state's own rules of civil procedure in state court — these set the broad framework for how cases proceed. Below that sit local rules, adopted by an individual courthouse or district, which add requirements about things like page limits, required cover sheets, and filing procedures. Many judges also issue their own individual standing orders that go even further, covering matters such as how discovery disputes must be raised or, increasingly, how the use of artificial intelligence must be disclosed. You are responsible for finding and following all three layers — not just the ones you happen to already know about.

Deadlines and How They're Calculated

Civil procedure rules typically specify exactly how deadlines are counted — for example, whether weekends and holidays are included, and how a deadline shifts depending on whether a document was served by mail, electronically, or in person. Missing a deadline because you counted the days incorrectly is treated the same as missing it for any other reason. When in doubt, calculate conservatively, confirm the rule that applies, and file early rather than at the last possible moment.

Formatting and Filing Requirements

Courts commonly require specific formatting for filings — margins, font size, line spacing, a case caption in a particular format, and a certificate of service showing that the other side was notified. Many courts also require or strongly prefer electronic filing through a specific portal, which comes with its own registration process and technical requirements. A filing that does not meet these requirements can be rejected by the court clerk and never even reach the judge, so it is worth confirming the applicable

formatting rules before you file anything.

The Takeaway

“I didn’t know the rule” is rarely, if ever, an acceptable excuse in civil court. Before you file anything, find and read the applicable rules of civil procedure for your court, plus that court’s local rules, and follow them exactly — formatting, deadlines, page limits, and all.

CHAPTER THREE

Your Pleadings Must Be Legally and Factually Correct

A pleading is not just a story about what happened to you — it is a legal document that must satisfy specific requirements. Every claim you make needs to fit within a recognized legal cause of action, supported by facts that, if true, would actually entitle you to the remedy you are asking for. Vague, emotional, or conclusory statements — saying the other side “acted unfairly” or “broke the law” without specific facts — are usually not enough. Courts can, and often do, dismiss a complaint or a defense that fails to state a legally recognized claim, even if the underlying grievance is real.

What Makes Up a Cause of Action

Every legal claim, or cause of action, is built from a specific set of required elements defined by statute or case law. A breach of contract claim, for example, typically requires showing that a valid contract existed, that you performed your own obligations under it (or were legally excused from doing so), that the other side failed to perform theirs, and that you suffered damages as a result. If a pleading does not address every required element with actual supporting facts, the claim is vulnerable to being thrown out — no matter how legitimate the underlying grievance might be. Before drafting a complaint or answer, it is worth identifying exactly which cause of action applies and what its specific elements are.

The Plausibility Standard

Federal courts, and most state courts, apply what is known as a “plausibility” standard to civil complaints, established by the U.S. Supreme Court in *Bell Atlantic Corp. v. Twombly* and *Ashcroft v. Iqbal*. Under this standard, a complaint cannot rely on labels, conclusions, or a bare recitation of legal elements. It must include enough specific factual detail that a judge can reasonably infer the defendant is actually liable — not merely that liability is conceivable. In practice, this means describing the who, what, when, where, and how of what happened, rather than simply asserting that the other side did something wrong.

Equally important, your pleadings must be factually accurate. When you sign a pleading, motion, or other filing, you are certifying — under rules like Federal Rule of Civil Procedure 11 or its state-law equivalents — that to the best of your knowledge, formed after a reasonable inquiry, your legal claims are warranted by existing law and your factual assertions have evidentiary support. This applies to pro se litigants exactly as it applies to attorneys.

Filing something that is legally unsupported or factually inaccurate is not a minor technicality. It can result in your claim or defense being dismissed, and in some cases it can expose you to sanctions — financial penalties imposed by the court for improper filings. The next chapter looks closely at the single most common way a defective pleading brings a case to an early end.

CHAPTER FOUR

The Motion to Dismiss: How a Case Can End Before It Begins

Of all the procedural tools available early in a case, few are more consequential to a plaintiff than the motion to dismiss. Understanding it is essential, because it is the single most common way a defective pleading ends a case before a judge or jury ever hears the merits.

What a Motion to Dismiss Is

A motion to dismiss for failure to state a claim — in federal court, filed under Rule 12(b)(6) — asks the judge to throw out a complaint, or a specific claim within it, on purely legal grounds, before the case ever reaches discovery, let alone trial. The motion does not ask the judge to decide who is telling the truth. Instead, it asks the judge to assume every factual allegation in the complaint is true and then ask a narrower question: even so, does the complaint describe a legally recognized claim? If the answer is no, the claim can be dismissed regardless of how strong the underlying facts might actually be.

Why Defective Pleadings Get Thrown Out

This is where the plausibility standard discussed in the previous chapter becomes critical. A judge deciding a motion to dismiss will first set aside anything in the complaint that is a legal conclusion or a bare recitation of the elements of a claim — those get no presumption of truth. What remains must, on its own, plausibly show that the plaintiff is entitled to relief. A complaint that is heavy on general accusations but light on specific facts — dates, names, what actually happened and how it caused harm — is exactly the kind of pleading a motion to dismiss is built to defeat. A pleading that omits a required element of the claim entirely, misses an applicable deadline such as a statute of limitations, or is filed in a court that lacks jurisdiction, is equally vulnerable.

The Consequences Are Real

If a motion to dismiss is granted, the practical effect is that the case — or that particular claim — ends without ever being decided on its merits. No jury ever hears the evidence. No judge ever weighs whether the defendant actually did what is alleged. The case simply stops, because the paperwork itself was not legally sufficient. Depending on the reason for dismissal, the judge may dismiss the case “without prejudice,” giving the plaintiff a limited opportunity to file an amended complaint that fixes the defect, or “with prejudice,” which permanently bars the claim from being refiled. Whether an amendment will be allowed, and how much time is given to do it, is generally within the judge's discretion and varies from case to case.

The Core Risk

A motion to dismiss can end your case before a judge or jury ever hears a single piece of evidence — not because your story isn't true, but because the pleading itself did not meet the legal requirements. This is precisely why getting the complaint right the first time matters so much.

A Thinner Safety Net Than Most People Expect

It is true that courts generally hold pro se filings to a somewhat more forgiving standard than documents drafted by attorneys, under a principle sometimes called liberal construction — judges are expected to look past imperfect wording or formatting and focus on the substance of what a self-represented litigant is trying to say. This principle helps with minor drafting imperfections. It does not rescue a complaint that fails to plead the required elements of a claim, that lacks specific supporting facts, or that seeks relief the law simply does not provide. Liberal construction is a cushion, not a substitute for a legally and factually sufficient pleading.

If You're Served With a Motion to Dismiss

If you are a plaintiff and the defendant files a motion to dismiss, you will typically have a set deadline to file a written opposition explaining why your complaint is legally sufficient, or why any defect can and should be fixed through an amended complaint. Missing that deadline can result in the motion being granted without any opposition at all. This is one of the moments in a case where the stakes are highest and the technical requirements are least forgiving — exactly the kind of juncture where a short consultation with a knowledgeable professional can be the difference between a case surviving and a case ending.

CHAPTER FIVE

The Hidden Danger of AI-Written Pleadings

Artificial intelligence tools like ChatGPT and similar chatbots have become an increasingly common, and increasingly risky, shortcut for self-represented litigants trying to draft legal documents. These tools can write in confident, convincing legal-sounding language — which is exactly what makes them dangerous. AI language models are not legal databases. They generate text based on patterns, and they can, and regularly do, “hallucinate”: producing case citations, quotations, and legal authorities that sound completely real but do not exist, or that misstate what a real case actually held.

This Is Not a Theoretical Risk

Since 2023, courts around the country and around the world have documented well over a thousand instances of AI-generated fake or misstated legal citations showing up in actual court filings. One of the earliest and most widely reported examples involved a federal court in New York, where attorneys submitted a brief citing several court decisions that turned out to be entirely fabricated by an AI chatbot. Since then, similar incidents have repeatedly landed litigants and even licensed attorneys in serious trouble — including cases where a federal judge described nearly being misled into relying on fake citations in an actual court order, and cases resulting in significant monetary sanctions, disqualification of counsel, and referral to state bar disciplinary authorities.

If this can happen to trained, licensed attorneys who are supposed to know better, the risk to a self-represented litigant — who may have no way to double-check whether a citation is real — is even greater.

Consequences of Filing AI Errors

- **Dismissal** of your claim or defense, if the court finds it is not actually supported by real law.
- **Monetary sanctions**, which the court can order you personally to pay.
- **Loss of credibility** with the judge, which can color how the rest of your case is viewed.
- **Referral for further scrutiny**, particularly if the pattern of errors suggests bad faith rather than an honest mistake.

Courts Are Now Requiring Disclosure

In direct response to this problem, a growing number of federal and state courts have adopted standing orders or local rules requiring anyone who files a document — including self-represented litigants — to certify whether artificial intelligence was used to help prepare it. Some courts require a sworn statement that no AI was used at all. Others allow AI use but require the filer to certify that every citation and factual assertion was independently verified against real, traditional legal sources before filing. Some judges prohibit the use of generative AI in court filings altogether. These requirements differ from court to court and judge to judge, so it is essential to check the specific rules and standing orders that apply to your case.

Bottom Line

If you use AI to help research or draft any part of a court filing, treat every citation, quotation, and factual claim it produces as unverified until you have personally confirmed it against an official, reliable legal source. Never file anything you have not checked yourself — and check whether your court requires you to disclose AI use before you file.

CHAPTER SIX

Motions: A Closer Look

The motion to dismiss discussed in Chapter Four is only one example of a much broader category of court filings called motions. Because motions come up constantly throughout a case, it is worth understanding how they generally work.

Anatomy of a Motion

A motion is a formal written request asking the judge to decide something before the case is fully resolved. Most motions consist of several parts: the motion itself, which states what is being requested; a supporting memorandum or brief, which lays out the legal argument and cites supporting law; often a supporting declaration or affidavit, which presents relevant facts under oath; and a certificate of service, confirming the other side was properly notified. Many courts also expect a proposed order that the judge can sign if the motion is granted.

Common Motions You May Encounter

- **Motion to dismiss** — asks the court to throw out a claim, or the entire case, for legal insufficiency (see Chapter Four).
- **Motion for summary judgment** — asks the court to decide the case, or part of it, without a trial, on the ground that there is no genuine factual dispute and the law entitles one side to win.
- **Motion to compel** — asks the court to order the other side to comply with a discovery request they have resisted or ignored.
- **Motion for extension of time** — asks the court for additional time to complete a required step, such as responding to a complaint or a discovery request.
- **Motion for default judgment** — asks the court to rule in the plaintiff's favor because the defendant failed to respond to the complaint at all.
- **Motion to amend** — asks the court for permission to change or add to a pleading that has already been filed.

The Meet-and-Confer Requirement

Many courts require the parties to attempt to resolve a dispute between themselves before bringing it to the judge by motion, particularly for discovery disputes. This is often called a meet-and-confer requirement, and courts frequently require the moving party to certify, in writing, that this good-faith effort was actually made. Filing a motion without first attempting to resolve the issue can result in the motion being denied on that basis alone, regardless of its underlying merits.

Responding to a Motion

When the other side files a motion, you will typically have a set deadline — set by rule or by the court — to file a written response, sometimes called an opposition. The moving party is then often permitted to file a reply, responding specifically to your opposition. These deadlines are usually short and strictly enforced; missing one can mean the motion is decided without ever hearing your side of the argument.

Hearings and Oral Argument

Some motions are decided based only on the written filings. Others are set for a hearing, where each side has the opportunity to briefly argue their position to the judge in person or by video. Whether a hearing is held, and how much notice you will receive, depends on the type of motion and the individual court's practices — another detail worth confirming through the applicable local rules.

CHAPTER SEVEN

Discovery: A Closer Look

Discovery is often the longest and most labor-intensive phase of a civil case. It is the formal process through which both sides gather evidence, and it comes with its own detailed set of rules, deadlines, and potential penalties for getting it wrong.

The Purpose and Scope of Discovery

The underlying idea behind discovery is that neither side should be ambushed at trial by evidence the other side kept hidden. In general, parties are entitled to request any information that is relevant to a claim or defense in the case and proportional to what is at stake in the litigation — though certain categories, such as confidential communications with an attorney, are protected from disclosure by privilege.

The Discovery Toolkit

- **Initial disclosures** — in many courts, both sides must automatically exchange certain basic information and documents early in the case, without waiting to be asked.
- **Interrogatories** — written questions that the other side must answer in writing, under oath, within a set deadline.
- **Requests for production** — formal requests for documents, records, photographs, or other tangible evidence.
- **Requests for admission** — statements the other side must either admit or deny, used to narrow down what is actually in dispute.
- **Depositions** — sworn, recorded question-and-answer sessions, usually conducted in person or by video, where a witness answers questions from the opposing party.
- **Subpoenas** — formal orders compelling a person or organization who is not a party to the case to produce documents or testimony.

Discovery Deadlines and the Scheduling Order

Early in the case, the court typically issues a scheduling order that sets deadlines for each phase of discovery and for the case as a whole. These deadlines are generally firm, and missing them can mean losing the ability to use certain evidence at all. Because individual discovery requests themselves often come with their own response deadlines — commonly around 30 days, though this varies by jurisdiction and by rule — it is essential to calendar every date the moment a request is received.

When the Other Side Won't Cooperate

If the other side fails to respond to discovery, gives evasive or incomplete answers, or refuses to produce something they should, the usual first step is to attempt to resolve the dispute directly — often required

by the meet-and-confer rule discussed in the previous chapter. If that fails, the next step is a motion to compel, asking the court to order compliance.

Discovery Sanctions

Courts have broad authority to penalize parties who fail to meet their discovery obligations. Depending on the severity and willfulness of the failure, consequences can include being ordered to pay the other side's costs and attorney's fees, being barred from using certain evidence at trial, having the court instruct the jury to assume withheld information was unfavorable, or, in the most serious cases, having the offending party's claims or defenses struck entirely — which can mean an automatic loss on those issues, or dismissal of the case altogether. These sanctions apply to self-represented litigants exactly as they apply to attorneys, which makes it critical to respond to every discovery request accurately and on time, even when the process feels burdensome.

Don't Go Silent

Ignoring a discovery request rarely makes it go away — it typically makes the consequences worse. A party who says nothing at all is often in a weaker position than one who responds, even with objections. If you are unsure how to respond to a discovery request, get guidance before the deadline passes, not after.

CHAPTER EIGHT

A Quick-Reference Glossary of Legal Terms

Civil litigation comes with its own vocabulary. Here are some of the terms you are most likely to encounter, explained in plain language.

TERM	PLAIN-LANGUAGE MEANING
Plaintiff	The person or business that files the lawsuit.
Defendant	The person or business being sued.
Complaint / Petition	The document that starts a lawsuit and states the claims.
Answer	The defendant's formal written response to the complaint.
Cause of Action	A specific legal claim, made up of required elements that must be proven.
Pleading	A formal document, like a complaint or answer, that states a party's claims or defenses.
Motion	A formal written request asking the judge to decide something.
Motion to Dismiss	A request to throw out a claim because it is not legally sufficient, even if the facts alleged are true.
Summary Judgment	A ruling deciding some or all of a case without trial, because there is no real factual dispute.
Discovery	The formal pre-trial process of exchanging evidence and information.
Interrogatories	Written questions the other side must answer under oath.
Deposition	Sworn, recorded testimony taken outside of court, usually before trial.
Subpoena	A legal order requiring someone to provide documents or testimony.
Default Judgment	An automatic loss entered against a party who fails to respond to a lawsuit in time.
Sanctions	Penalties a court imposes for violating rules or orders.
Jurisdiction	A court's legal authority to hear a particular case.
Venue	The proper geographic location for a case to be filed.
Statute of Limitations	The deadline by which a lawsuit must be filed.

Plausibility Standard	The requirement that a complaint include enough specific facts to make the claim believable, not just possible.
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Pro Se	Representing yourself in court, without an attorney.
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QUICK ANSWERS

Frequently Asked Questions

Do I have to hire a lawyer to sue someone or defend myself in civil court?

No. You have a right to represent yourself in civil court. But as this guide explains, you are expected to follow the same procedural rules an attorney would.

What happens if I miss a deadline?

Consequences vary by deadline, but they can include a default judgment against you, exclusion of evidence, or dismissal of a claim. Courts rarely excuse a missed deadline simply because a party is unrepresented.

Can I use an AI chatbot to help me write my complaint or motion?

You can use it as a starting point, but you should never file anything without independently verifying every citation and factual claim, and you should check whether your court requires you to disclose AI use in your filing.

What's the difference between a motion to dismiss and losing at trial?

A motion to dismiss decides whether your pleading is legally sufficient, assuming the alleged facts are true. Losing at trial means a judge or jury actually heard the evidence and ruled against you on the merits. A case can end at the motion-to-dismiss stage without ever reaching that evidentiary stage.

Do the discovery rules apply to me if I don't have a lawyer?

Yes. Self-represented litigants must respond to discovery requests, meet the applicable deadlines, and can be sanctioned for noncompliance exactly the same way an attorney representing a party can.

When should I consider getting professional help?

Common trigger points include drafting or reviewing your complaint or answer, responding to a motion to dismiss, and handling discovery requests or disputes. See Chapter Nine for more on affordable options.

CHAPTER NINE

Knowing When to Get Help

Civil litigation can be genuinely complicated, even in cases that seem straightforward on the surface. A single missed deadline, an improperly worded pleading, an unverified citation, or a mishandled discovery request can have consequences that are difficult or impossible to undo later — regardless of how strong your underlying case actually is. The rules exist to keep the process fair and orderly, but they were not written with a non-lawyer's convenience in mind, and courts are not in a position to guide you through them.

As earlier chapters illustrate, a single defective pleading can end a case at the motion-to-dismiss stage, and a single mishandled discovery request can trigger sanctions that reshape the entire case. These are not rare, technical edge cases — they are some of the most common ways civil cases are won or lost.

That does not mean self-representation is impossible — many people successfully navigate civil court on their own. It does mean that the risk of costly errors is real, and that getting knowledgeable guidance at key points in your case — reviewing a complaint before you file it, understanding a deadline, preparing for a motion or a discovery request — can meaningfully change your outcome.

Hiring a full-service attorney is not financially realistic for many people facing a civil dispute. That gap is exactly why Be Your Own Lawyer exists: to give self-represented litigants access to knowledgeable, affordable guidance — without the cost of retaining a lawyer to handle the entire case for you.

YOU DON'T HAVE TO DO THIS ALONE

Be Your Own Lawyer gives pro se litigants a cost-effective way to get real guidance through civil litigation — without paying full attorney rates for full-service representation.

Visit us at

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This guide provides general information only and is not legal advice. Laws and court rules vary by jurisdiction and change over time. No attorney-client relationship is formed by reading this guide.