

# 25 Things to Know Before You Go to Court

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Each state has different laws.

If you're going to court outside of Montana, this information may not be right for you.

You may be able to find free legal help in your state at <https://www.lawhelp.org/find-help/>

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## 1. How do I make an objection?

To make an objection, stand up and say, "Your Honor, I object." If you have specific grounds for your objection, tell the judge what those grounds are, such as Hearsay. If you don't have specific grounds, you may simply say that you object.

## 2. How do I respond to the other side's objections?

Stand up and tell the judge why this information is important. (It also may be clearer to the judge why it's important to you after evidence is given.)

## 3. How should I address the judge?

Address the judge as "Your Honor" or "Judge," and make sure to be respectful to everyone at all times.

## 4. What if I don't agree with what the other side is saying?

Be ready to question them to show the judge that what they are saying isn't true (but don't interrupt the other side). You can also give evidence to show that their information is incorrect.

## 5. How do I ask the judge a question?

To ask the judge a question, say, "Your Honor, may I ask a question?" It's not unusual for people to ask the judge a question, especially if it's about court procedure.

## 6. When should I arrive at court?

Try to arrive at least 10 minutes before the time your hearing is scheduled to start. This will give you enough time to check in. You can check in with either the secretary or the clerk. Most often, secretaries are in an office right outside the courtroom, and clerks are in the courtroom. When you check in, state your name and why you are there. Then, the secretary or clerk will instruct you on where to wait until your hearing starts.

## **7. Who goes first?**

The person asking for relief, who's called the "plaintiff" or "claimant," goes first. The "defendant," or "respondent," goes second.

If you aren't sure whether you are the respondent or plaintiff, you can find out by looking at your paperwork to see what's written right after your name. (If you are seeking a restraining order, you will go first.)

## **8. What should I wear?**

Try to wear nice clothes, but don't worry about wearing anything too fancy. It is not a good idea to chew gum because it can make it difficult for the judge and other side to understand you when you speak.

## **9. Where should I sit?**

While you are waiting for your case to be called, you may sit in the audience.

Once the judge (or clerk) announces your case, you can go up to the long table in front of the judge and sit on either side.

## **10. Who can I call to witness?**

You may call any witness to support your case.

To call a witness, make sure to ask the person you'd like to come well in advance of the hearing date. If the person you ask isn't willing to come, you may subpoena them. Subpoenaing requires that person to appear.

## **11. How do I subpoena a witness?**

To subpoena a witness, talk to the clerk of court's office. (You can find their contact information online, through Montana Legal Services Association (MLSA) or your local self-help law center.)

## **12. How do I question my own witness?**

First, ask your witness to state their name, their address and how they are related to your case.

Then, try to ask simple and direct questions that will help get information from them about what they saw or heard. Remember that the purpose of questioning your witness is to get more support for your case.

## **13. Are written statements from witnesses allowed?**

Written statements from witnesses are **not** allowed. Your witness needs to be **in court**.

#### **14. How do I cross examine the other party's witness?**

Ask the other party's witness questions that will put holes in their testimony. For example, ask questions such as

- "Were you wearing your glasses at the time you saw these events?"
- "Aren't you the husband of my opponent?"
- "Do you have a financial interest in this case?"
- "Didn't you make a contrary statement earlier?"

Point out things that reflect the other side's motivation or dishonesty (but make sure that your questions don't seem hostile or argumentative).

#### **15. What are exhibits, and what exhibits can I bring?**

Exhibits are physical evidence that you must bring to your court hearing. Exhibits help support your case. Examples of exhibits might include a rental agreement, a cashed check, your child's report card or the bill from an auto repair facility. You may bring any exhibit that will help your case.

#### **16. How do I use exhibits?**

Each exhibit should be introduced by the person who created it. For example, if your exhibit is your son's third-grade report card, then his third-grade teacher should introduce it.

If you have an exhibit that wasn't really "created" by anyone (like a cashed check), you'll need someone who's called "a custodian" to present it. Custodians are people who can talk about where your exhibit came from. So, if your exhibit is a cashed check, the custodian could be somebody who works at your bank.

It's a good idea to make two (2) copies of each exhibit. That way you and the other party both have a copy and judge will have the original.

Your exhibits will also need a label, such as "Exhibit A" or "Exhibit B." Labeling your exhibit is something the clerk will help with. Ask the clerk to label your exhibit, and then once they label it, you can hand it to your witness or custodian.

#### **17. Do I always need a witness or custodian to vouch for my exhibit?**

Sometimes you can talk to your opponent beforehand and agree (stipulate) that a certain exhibit could be admitted without needing a witness or custodian to vouch for it. It's often in the interest of both you and the other side to stipulate the admission of certain exhibits that aren't really in dispute.

Either way, it's important that you always bring your exhibits, even if you think you'll be able to stipulate with the other side. The judge will keep the original exhibits until the

case is over, so make sure to bring enough copies of each exhibit for yourself and each of your opponents (in case you have more than one opponent).

### **18. What if the judge won't let me speak?**

Something is very wrong if this is the case. You may have been disrespectful to the court or your opponent or you did not appear on time. If you have questions, it is a good idea to talk to a lawyer after the hearing.

### **19. Will the judge decide at the hearing?**

You will likely be mailed a written decision after the hearing. However, if the case is very time-sensitive or simple, the judge might issue an oral order from the bench right after the hearing. You must follow all of the judge's orders, including oral orders.

### **20. What if the judge does not want the proposed order from the packet?**

If the judge doesn't want the proposed order, the judge may prepare one instead. You may also ask the judge to modify the order from the packet.

### **21. What if the other side interrupts and won't let me finish?**

The judge will not be happy with either side for interrupting.

It's the judge's job to hear both sides and allow each party time to present their case. Be patient, and when the other side has stopped interrupting, ask the judge if you may continue.

### **22. When does the appeal deadline start running?**

In civil cases, the appeal deadline starts running when the judge renders or enters the order. You'll likely have thirty (30) days to file an appeal. Don't wait until the end of the deadline: If you are going to file an appeal, do it as soon as you know of the judgment.

### **23. How do I use text messages as evidence?**

This can vary from judge to judge. Some judges require that a representative from your cell-phone company come to court to verify your text message's authenticity. Other times, the judge will let you just print off the message or show it on your phone.

Either way: If the text is important, don't delete it!

### **24. What if the judge won't let my witness testify?**

If the judge won't let your witness testify, the judge may have determined that your witness's testimony isn't relevant.

If this happens, tell the judge why your witness is important to the case. If the judge still won't let your witness testify, make an offer of proof. Then ask if your witness can testify on the record or if you can summarize what the witness would have said. (This way, if there is an appeal, the reviewing court can look to see whether the judge made a mistake.)

## **25. What if the judge won't accept my exhibits?**

Try to explain why the exhibit is relevant.

If your exhibit is still rejected, ask that the refused exhibits be kept for the reviewing court to see if the judge's rejection was a mistake.

## **How do I get more help?**

Montana Legal Services Association (MLSA) provides free civil legal help to low-income people. Contact us to see if you qualify:

- Apply anytime online at [mtlsa.org](http://mtlsa.org);
- Call our Helpline at 1-800-666-6899 (Helpline hours are limited).

## **What help can I find at MLSA?**

- Legal advice and representation;
- Referrals to volunteer attorneys and other providers;
- Self-help clinics and materials.

## **[www.MontanaLawHelp.org](http://www.MontanaLawHelp.org)**

Need legal information or forms? Visit [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org).

Can't find what you want? Use LiveHelp. Click on the LiveHelp icon and get help finding the information you need.

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