United States District Court
Middle District of Florida

GUIDE FOR PROCEEDING WITHOUT A LAWYER

This guide is the product of work of librarians, lawyers, and judges from around the district, with special thanks to the lawyers of the Tampa Chapter of the Federal Bar Association and the members of the Pro Se Assistance Committee of the Bench Bar Fund. This guide is intended to help people who are proceeding in court without the help of lawyers. As a mere guide, it should not be cited as authority. This guide was last updated on February 14, 2014.

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1. Introduction

If you are reading this guide, you are probably thinking about bringing or defending a lawsuit without a lawyer's help. Federal court can be an intimidating place, and there are a lot of things you need to think about and know before bringing or pursuing a lawsuit.

Keep in mind that this guide will not answer all of your questions about how to represent yourself in a lawsuit. Instead, it summarizes basic steps required to file and pursue a lawsuit. Also keep in mind that this is just a guide. It is not a set of rules or an official document. You therefore should not cite it as authority.

If you are reading this guide on a computer, you can click on any red-colored, italicized text to access another website that will have more information on the topic. (If you find a broken link, just use a key-word search to try to find the website.) Of course, if you are reading this guide in hardcopy, you cannot take advantage of the links, but should know that any italicized text indicates that there is a website with more information on the topic.

2. Definitions

2.1 Answer

An answer is the response to a complaint. In that document, the defendant states his defenses and admits, denies, or states that he does not have knowledge regarding each allegation in the complaint.

2.2 Complaint

A complaint is the document that gets the lawsuit started. In that document, the plaintiff states his claim, his demand, and the bases for the court's subject-matter and personal jurisdiction.

2.3 Defendant

A defendant is the party who is being sued.

2.4 Discovery

Discovery is simply the process by which parties collect information from each other and "discover" facts about the case.

2.5 Docket
The docket is a chronological list of all court events and documents in the case.

2.6 Judgment
A judgment is the final action by the court that ends the case in the district court.

2.7 Lawsuit
A lawsuit, also called a case, is a legal claim or accusation that one person or entity makes against another in a court to get help from the court. Usually, a lawsuit begins when someone files a complaint.

2.8 Litigant
A litigant, also known as a party, is a person or entity in the lawsuit.

2.9 Motion
A motion is simply a request to the court for some action. An example is a motion for an extension of time to file something.

2.10 Order
An order is an action by the judge directing someone to do something.

2.11 Mediation
A mediation is a settlement conference. A certified, qualified mediator presides over a mediation. The goal of a mediation is to settle the case. The Local Rules require most litigants to participate in mediation.

2.12 Plaintiff
A plaintiff is the party who is bringing the lawsuit.

2.13 Pro Se Litigant
A pro se litigant is a person who represents himself or herself without the help of a lawyer.

3. Things to Know Before Representing Yourself

Representing yourself carries a lot of responsibilities and some risks. The court encourages you to carefully consider them. Here are some:

- If you miss a filing deadline, submit a document that is false, disregard a court order, refuse to follow court rules, or ask for something to which you know you are not entitled, you may lose on that ground alone and the court may impose a fine against you or hold you in contempt of court.

- Lying in court documents is perjury and a crime punishable by imprisonment.

- Rule 11 of the Federal Rules of Civil Procedure prohibits anyone from filing a lawsuit that is clearly frivolous or meant only to harass someone. If the court determines that you have filed your lawsuit for an improper or unnecessary purpose, it may impose sanctions against you, including ordering you to pay the legal fees of the person who you sued.

- If you are not a licensed lawyer, you may not represent anyone except yourself. It is illegal to do otherwise.

- If you lose your case, you may be required to pay some of the costs that the winning party incurred during the lawsuit. Those costs can be expensive.

4. Rules that Everyone Has to Follow

The old saying, "Ignorance of the law is no excuse," is true here. You are responsible for following the rules and procedures that govern the court process, including the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Local Rules for the United States District Court for the Middle District of Florida, and, if you or the other party decide to appeal the final decision, the Federal Rules of Appellate Procedure. Here are the websites to those rules (you can also get a copy of the Local Rules at any clerk's office):

Federal Rules of Civil Procedure
http://www.law.cornell.edu/rules/frcp

Federal Rules of Evidence
http://www.law.cornell.edu/rules/fre

Federal Rules of Appellate Procedure
http://www.law.cornell.edu/rules/frap

Local Rules for the United States District Court for the Middle District of Florida
http://www.flmd.uscourts.gov/LocalRules.htm

5. Preliminary Questions to Ask

5.1 Is This the Right Court to Decide My Dispute?

The United States District Court for the Middle District of Florida is one of 94 trial courts in the federal court system. Federal courts can only hear certain types of cases. Generally, this court can only hear disputes that fall into one or more of the following four categories:

- A dispute that involves a right in the United States Constitution;
- A dispute that involves a federal law (as opposed to a state law or local ordinance);
- A dispute that involves the United States of America (or any of its agencies, officers, or employees in their official capacities) as a party; and
- A dispute between citizens of different states with an amount in controversy that is more than $75,000.

If your dispute does not fall into any of those four categories, you should not file your lawsuit in this court. Instead, you should consider state, local, or administrative courts (or perhaps arbitration, mediation, or other types of dispute resolution).

5.2 Is There an Alternative to Representing Myself?

Most people who sue someone or who are being sued hire a lawyer who is familiar with the law and the court's rules. Some lawyers are willing

to accept your case for an agreed-upon percentage of recovery as their fee if you win your case, and no fee if you do not. That is known as a contingency-fee arrangement. Most such lawyers screen cases to make sure potential clients have a reasonable chance of winning. Some laws may require the other side to pay for your lawyer if you win your case. Other laws may require you to pay for the other side's lawyer if you lose. As just one example, that could happen if you submit a false or frivolous claim.

If you want to have a lawyer represent you but you cannot afford one, you might consider contacting Florida Legal Services at 850-385-7900. Its staff can explain the options for obtaining legal services for free or at a reduced rate.

Depending on where you live, you might also consider contacting one of the following referral services or legal-aid organizations. Some of the organizations offer free legal help, free clinics in various subjects, and ask-a-lawyer events. (If you do not see your area, you can go to *www.lsc.gov* and enter your county, and it will provide a list of services or organizations in your area.) Note that this court is not affiliated with any of these services or organizations and merely provides them as a possible source of help for you. Also note that this list is not exhaustive; there might be other similar organizations that can help you.

Jacksonville

Jacksonville Area Legal Aid, Inc.
(904) 356-8371 or (866) 356-8371
www.jaxlegalaid.org

Jacksonville Bar Association Lawyer Referral Service
(904) 399-5780
www.jaxbar.org/public-resources/lawyer-referral-services

Three Rivers Legal Services, Inc.
(866) 256-8091
www.trls.org

Fort Myers

Lee County Legal Aid Society
(239) 334-6118
www.leecountylegalaid.org

Florida Rural Legal Service Inc.
(239) 334-4554
www.frls.org

Ocala

Community Legal Services of Mid-Florida
(352) 629-6257
www.clsmf.org

Orlando

Community Legal Services of Mid-Florida
(407) 841-7777
www.clsmf.org

Legal Aid Society of the Orange County Bar Association
(407) 841-8310
www.legalaidocba.org

Orange County Bar Association Lawyer Referral Service
(407) 422-4537
www.lrisoc.org

Tampa

Bay Area Legal Services, Inc.
(813) 232-1343 or (800) 625-2257
www.bals.org

Gulfcoast Legal Services
(941) 746-6151 (Bradenton)
(727) 821-0726 (St. Petersburg)
(727) 443-0657 (Clearwater)
(941) 366-1746 (Sarasota)
(813) 490-9412 (Tampa)
http://www.gulfcoastlegal.org/home

St. Michael's Legal Center
(813) 289-5385
http://stmichaelslegalcenter.com/seeking-assistance

You may also ask the court to appoint a lawyer for you. But, keep in mind that, unlike in a criminal case, you do not have a right to court-appointed counsel in a civil case. In rare cases where representation by a lawyer is particularly appropriate or necessary, the court may appoint counsel. To make your request, you must file a motion for appointment of counsel along with your complaint.

5.3 If I Represent Myself, What Will I Have to Do?

If you cannot find a lawyer to represent you, you can pursue your claim in court by appearing without a lawyer (though business and corporate entities must be represented). When you appear without a lawyer, you must follow the same rules and procedures that lawyers must follow.

Once you file your lawsuit, you must diligently prosecute it. That means that you are responsible for doing everything necessary for the case to move forward. Whether you are representing yourself as a plaintiff (the person suing) or a defendant (the person being sued), you have to:

- Prepare, file, and serve pleadings and legal memoranda;
- Gather evidence, bring it to trial, and have a witness who can testify about it;
- Locate, serve, and reimburse witnesses for the expenses they incurred in having to appear;
- Answer other parties' discovery requests (in other words, give them the relevant evidence in your possession that they ask for);
- Prepare and serve your discovery requests;
- File disclosures required by the court rules;
- Know and meet all court deadlines and case filing requirements;
- Attend all court hearings and meetings; and
- Arrange for and attend depositions, if necessary.

5.4. Can the Court Give Me Legal Advice?

Although the staff of the clerk's office can give basic, general information about court rules and procedures and certain forms, they are prohibited from giving legal advice, interpreting or applying court rules, or otherwise participating, directly or indirectly, in any action. Accordingly, they cannot explain the meaning of a specific rule; interpret case law; explain the result of taking or not taking an action; answer whether jurisdiction is proper; answer whether a complaint properly presents a claim; or give advice on the best procedure to accomplish a particular objective.

In addition, the judges cannot give legal advice because they will be ruling on motions by the parties and may ultimately try the case. They must remain neutral. The judges' law clerks and chambers staff likewise cannot give legal advice. Thus, when pursuing your lawsuit, you cannot speak to the judge or his or her law clerks without the other party (or the other party's lawyer) present. Except for proceedings in open court, all of your communications with the judge should be in writing, filed with the clerk's office, with copies sent to all parties or their lawyers. You should not send correspondence directly to any judge or to his or her chambers.

Court library staff members also are prohibited from giving legal advice. They can show you where books are in the library and how to make copies of library materials but cannot tell you how to litigate your lawsuit or fill out a form.

5.5 What Information Can the Court Give Me?

The clerk's office maintains a computer record for each lawsuit. It includes a docket, which is a chronological list of all court events and documents filed in a case. You may view the docket at public-access terminals in our clerk's offices. Copies of any document in the docket cost $.50 per page. The clerk's office staff may provide basic docket information, in person or over the phone. However, if the clerk's office is requested to search the records of the district, a $30 records search fee will be charged for each name or item searched.

If you have internet access, you may also register for PACER (Public Access to Court Electronic Records) and view and print the documents for your case. To register, go to the PACER registration page on the PACER website (www.pacer.gov) or call (800) 676-6856. Using PACER may cost $.10 per printed page. PACER will give you details when you register.

6. Getting the Case Started

6.1 Drafting the Complaint (First Step)

Every civil case starts with a complaint. A complaint outlines a problem or reason for the lawsuit, which is also known as a claim or cause of action. A complaint (and all other documents filed with the court) needs to be on 8 ½" x 11" paper, double-spaced, and either typed in a 12-point black font or written legibly in black ink. Here are the things that must be in a complaint and accompany a complaint.

- **Caption.** A complaint (and other documents filed with the court) must have a caption that includes the court's name and division (Fort Myers, Jacksonville, Ocala, Orlando, or Tampa), the parties names and designations (plaintiff or defendant), the case number if known, and a descriptive title, such as "Complaint" (other examples are "Plaintiff's Motion for Summary Judgment" or "Defendant's Unopposed Motion for Extension of Time to Respond to Complaint"). Here is an example of a caption you would see at the top of a complaint:

United States District Court
Middle District of Florida
Jacksonville Division

JOHN SMITH,
Plaintiff,

v. Case No. 3:13-cv-5555-J-34PDB

SHERIFF OF DUVAL COUNTY,
Defendant.

Complaint and Demand for Jury Trial

- **Subject-Matter Jurisdiction.** A complaint must include a short statement of the basis for subject-matter jurisdiction, which is what gives the court, as a federal court, the authority to hear and resolve your claims. As explained in the above section, "**Is This the Right Court to Decide My Dispute**," your case must involve a right in the United States Constitution, a federal law, the United States of America as a party, or a dispute between citizens of different states with an amount in controversy that is more than $75,000. You must tell the court which category matches your case's facts and how it matches those facts so the court knows that it has the authority to hear and resolve your claim.

- **Claim or Claims**. A complaint must include a short statement of the claim or claims showing that you are entitled to relief. In this section, you must include the core facts that support each element of your claim. When you write your claim, you must explain what happened by stating facts, not conclusions or what relief you want. For example, do this, "The Commissioner of the Social Security Administration issued a final decision denying my claim for disability benefits on July 27, 1997"; not this, "The Commissioner of the Social Security Administration denied me my right to benefits."

- **Demand for Relief**. A complaint must include a demand for judgment stating the type of relief sought such as damages (money), a court order, and possibly a jury trial (you need to ask for one in your complaint if you want one).

- **Signature Block.** A complaint (and other documents filed with the court) must include a signature block of each person filing it. A signature block must include a signature, typed or printed name, address, and phone number.

- **Attachments**. Any written document referenced in a complaint (a contract or a right-to-sue notice, for example), may be attached to a complaint.

- **Civil Cover Sheet**. A complaint must be accompanied by a civil cover sheet. You can get the form from the clerk's office or from the court's website:

  Civil Cover Sheet Form JS 44
  http://www.flmd.uscourts.gov/pro_se/docs/pro-seForms.htm

- **Summons.** A complaint must be accompanied by summonses for each defendant. You can get the form from the clerk's office or from the court's website:

  Summons/Civil Form AO 440
  http://www.flmd.uscourts.gov/pro_se/docs/pro-seForms.htm

6.2 Filing the Complaint (Second Step)

If you are bringing the lawsuit, you have to pay a filing fee of $400 by money order, cashier's check, or in-person credit card. If you cannot afford the filing fee, you can apply to the court for permission to proceed without paying it. That is called proceeding "in forma pauperis." To do so, you have to complete and file an affidavit-of-indigency form so the court can consider your finances and whether you truly cannot afford the filing fee. You can get the form from the clerk's office or from the court's website:

Application to Proceed Without Prepayment of Costs-Long Form Form AO 239
http://www.flmd.uscourts.gov/pro_se/docs/pro-seForms.htm

Filing the form does not guarantee that you can proceed without paying the filing fee. The court makes that decision. Even if the court waives the filing fee, you will still be held responsible for other costs of litigation, including costs for service of process, photocopies, deposition transcripts, and costs and fees for witnesses. If your request to proceed in forma pauperis is denied, you have to pay the filing fee or the court will dismiss your case.

Generally, you may file a civil case in the district where any defendant lives or where the claim arose (28 U.S.C. §1391). If that district for you is the Middle District of Florida, there are five divisions with clerk's offices. Division offices and their associated counties are as follows:

- **Fort Myers**: Charlotte, Collier, DeSoto, Glades, Hendry, and Lee
- **Jacksonville**: Baker, Bradford, Clay, Columbia, Duval, Flagler, Hamilton, Nassau, Putnam, St. Johns, Suwanee, and Union
- **Ocala**: Citrus, Lake, Marion, and Sumter
- **Orlando**: Brevard, Orange Osceola, Seminole, and Volusia
- **Tampa**: Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota

You may file your complaint and other court documents by mail or in person at a clerk's office.

If you choose to mail your court documents, addresses (and phone numbers) for the Middle District of Florida courts are provided below. You should file your case in the division that covers the county or counties that have the closest connection to your case. The clerk there will provide a case number.

Jacksonville
Clerk's Office
300 N. Hogan St., Rm. 9-150
Jacksonville, FL 32202
(904) 549-1900

Fort Myers
Clerk's Office
2110 First St., Rm. 2-194
Ft. Myers, FL 33901
(239) 461-2000

Ocala
Clerk's Office
207 NW 2d St., Rm. 337
Ocala, FL 34475
(352) 369-4860

Orlando
Clerk's Office
401 W. Central Blvd., Ste. 1200
Orlando, FL 32801
(407) 835-4200

Tampa
Clerk's Office
801 N. Florida Ave.
Tampa, FL 33602
(813) 301-5400

If you choose to file documents in person at a clerk's office, you should know that everyone entering a federal courthouse must present a valid photo identification, go through a metal detector, and may be scanned by a hand-held wand. All bags, packages, purses, and other items are examined through an x-ray machine. No weapons of any kind are allowed in any courthouse. Electronic devices such as cell phones, laptop computers, tablets, audio file players and recorders, cameras, broadcasting equipment, and other devices are usually not allowed in a courthouse without a court order.

6.3 Serving the Complaint (Third Step)

Service of process is simply the procedure used to notify each defendant that someone is suing him or her. Service is required by law and must be done in one of several specific ways. If service is not done according to the law, the court may dismiss your complaint. Rule 4 of the Federal Rules of Civil Procedure states the requirements for service. (Note that Rule 4 includes special requirements for service of process when suing the United States, one of its agencies, or one of its employees.)

If you are the one who is filing the lawsuit, you must fill out summons forms (one for each defendant), and present them to the clerk's office, where a clerk will sign them and stamp them with the court's seal. From there, you will need a copy of each official summons (the one with the clerk's signature and seal) and a copy of the complaint and any of its attachments (one copy for each defendant). You must serve those documents on each defendant within 120 days of filing the complaint (and the court might dismiss your case if you do not). There are three different ways to serve a defendant with a complaint:

- **Personal Service**. You can tell someone else to deliver or serve the copies. He or she must be older than 18 and may not be a party in the case. He or she must then complete and sign the back of the original summons form and return it to you so that you can file it with the court. That is called the return of service. It is proof to the court that the defendant knows about the lawsuit filed against him.

- **Waiver of Service.** A defendant may waive service, which means that he or she has agreed to respond to the complaint even though you did not have him personally served with the complaint and summons. You can get a waiver-of-service form from the clerk's office or from the court's website:

  Waver of Service of Summons Form AO 399
  http://www.flmd.uscourts.gov/pro_se/docs/pro-seForms.htm

  Once you have completed that form, you can mail it to the defendant along with a copy of the complaint and any of its attachments. If the defendant completes the form and either you or the defendant returns it to the court, you do not have to complete personal service of process.

- **Service by U.S. Marshal**. If the court allows you to proceed in forma pauperis and waives the filing fee, the court may also direct the U.S. Marshal to serve the summons and complaint on the defendant at no cost. Note, however, that you still would have to provide completed summonses and copies of the summonses and complaints to the clerk's office for forwarding to the U.S. Marshal.

7. Pretrial

7.1 Drafting, Filing, and Serving Documents

Pre-trial proceedings include additional exchanges of documents between the parties. The types of documents vary, but there are several rules to follow that never change during litigation:

- You must file original documents with the court. That includes documents that you write (such as motions and

memoranda of law, as well as exhibits). You must sign documents that you have written.

- You may file documents in the clerk's office in person or by mail. Generally, in-person filing must be done Monday through Friday, 8:30 a.m. to 4:00 p.m. The clerk's offices are closed on federal holidays and occasionally during a state of emergency. If you want a file-stamped copy of any document for your records, you should provide the clerk with a copy of that document (you need to provide a self-addressed, stamped envelope for a file-stamped copy if you are not filing the document in person).

- When you file a document, you must also mail or deliver a copy of that document to all of the other parties' lawyers. If the other parties don't have lawyers, you must instead mail or deliver a copy directly to the other parties. (There is a rare exception for ex parte proceedings.)

- You must include a certificate of service with every document that states when and how you served a copy of that document on the other parties or their lawyers. Here is an example of a certificate of service:

> I, [name of person filing document], certify that on [month, day, year] I served a copy of this document on [name of other party's attorney or other party if not represented by an attorney] by [mailing, hand delivering, faxing] it to [him, her] at [address, fax number].

7.2 Answering the Complaint

After the plaintiff has finished service of process, the defendant has 21 days to respond, usually by an answer or motion to dismiss. More time may be given under certain statutes or if the defendant waived service of process. Rule 12, Federal Rules of Civil Procedure, provides details. An answer includes the defendant's responses to the plaintiff's claims (he or she admits or denies each allegation), affirmative defenses (a claim is barred by the statute of limitations, for example), and any counterclaim against the plaintiff.

7.3 Motions

A motion is a party's oral or written request to have the court do a particular thing or rule a particular way. You must file written motions with the court and send copies to all of the other parties in the case. Before filing a motion with the court, you should consult the rules regarding filing and serving motions. Violating the rules may result in the court denying your motion.

There are two types of motions: dispositive and non-dispositive. Magistrate Judges can rule on non-dispositive motions, which if granted, affect the lawsuit but do not dispose of it or bring it to a conclusion. Within a certain number of days, any party may request that the District Judge reconsider a Magistrate Judge's ruling on a non-dispositive motion but must show that the Magistrate Judge's ruling is clearly erroneous or contrary to law. Dispositive motions (motions that may dispose of the lawsuit or bring it to a conclusion) are handled differently. Magistrate Judges do not have the authority to rule on dispositive motions unless the parties agree to allow their lawsuit to proceed entirely with the Magistrate Judge. If the parties do not agree, the Magistrate Judge instead prepares a report and recommendations to be submitted to the District Judge who will make the final decision on the dispositive motion. Any party may object to the Magistrate Judge's report and recommendations within a certain number of days.

Usually, the court does not schedule hearings on motions. Instead, the court sends a written decision to all parties. If a dispositive motion is submitted to the court and the judge decides to dismiss a complaint, the written decision is a judgment. Those judgments are final and conclude District Court proceedings but may be appealed to the United States Court of Appeals for the Eleventh Circuit within a specified number of days as stated in the Federal Rules of Civil Procedure and Federal Rules of Appellate Procedure.

Motions have at least three parts but, on occasion, may include four. In the first part, the movant asks the court to act. If the court does as the party requests, the motion is granted; if the court does not do as the party requests, the motion is denied. Some motions are granted in part and denied in part.

To write a motion, it is best to begin with a form or sample that fits your situation. If you cannot find one which fits your situation, you may write your request yourself, including the relevant facts and citations to law as you need them. Specific motion forms can be found in books in law libraries. Here is the start of a typical motion:

[Plaintiff or Defendant] [name of plaintiff or defendant] asks the court to [state relief requested]. A memorandum of law in support of this request is attached.

The second part of a motion is a memorandum of law, which is required. A memorandum of law is the section in which the movant provides the court with relevant legal authority and argues why the court should allow the request. Citations to the law are included in a memorandum of law because whatever the party requests must be within the court's legal authority. If the request in the motion isn't within the court's legal authority to grant, the court is prohibited from granting the motion and therefore must deny it.

Occasionally, a sworn statement of fact, also known as an affidavit, may be included with a motion so the court has the necessary facts to rule on the motion. It is not required for all motions.

Local Rule 3.01(g) requires almost every motion to be accompanied by a statement from the movant that he has made a good faith effort to confer with the other party to resolve the motion and a statement that the other party either opposes it or does not oppose it. Because parties often overlook this rule to their detriment, it warrants stating in full here:

> ***Local Rule 3.01(g).*** *Before filing any motion in a civil case, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, or to involuntarily dismiss an action, the moving party shall confer with counsel for the opposing party in a good faith effort to resolve the issues raised by the motion, and shall file with the motion a statement (1) certifying that the moving counsel has conferred with opposing counsel and (2) stating whether counsel agree on the resolution of the motion. A certification to the effect that opposing counsel was*

> *unavailable for a conference before filing a motion is insufficient to satisfy the party's obligation to confer. The moving party retains the duty to contact opposing counsel expeditiously after filing and to supplement the motion promptly with a statement certifying whether or to what extent the parties have resolved the issue(s) presented in the motion. If the interested parties agree to all or part of the relief sought in any motion, the caption of the motion shall include the word "unopposed," "agreed," or "stipulated" or otherwise succinctly inform the reader that, as to all or part of the requested relief, no opposition exists.*

Common types of motions include requests for compelling discovery, dismissing claims, and extensions of time.

As stated earlier, copies of any motion papers must be sent to every party in the lawsuit to give them a chance to oppose the motion. Opposing a motion can be as much work as preparing a motion because the response must state why the court should deny the motion and also include a memorandum of law.

The motion process includes deadlines for service and responses. Days must be counted in a specific manner. Time periods vary, although responses to motions are usually due within 14 days of the date stated in the motion's certificate of service. Rule 6 of the Federal Rules of Civil Procedure provides guidance on computing time, extending time, and motions.

7.4 Disclosures and Discovery

Disclosures of facts are often made during a lawsuit. Some disclosures are required while others are not. If you are wondering whether you or another party has a legal duty to disclose a fact, you should consult the rules and the law for guidance. Rule 26 of the Federal Rules of Civil Procedure discusses disclosures.

Discovery is the process by which parties exchange facts relevant to the lawsuit. There are rules regarding discovery just as there are rules for other court processes.

A party can get facts from another party by asking for them. There are several ways to do this:

- **Interrogatory.** An interrogatory is a written question to the other party for information that will prove or disprove a fact.

- **Request for Production.** A request for production is a written request to the other party for a copy of a document or access to any other tangible thing that will prove or disprove a fact.

- **Deposition.** A deposition is an in-person, recorded, question-and-answer event used by a party to ask the other party or a witness questions about the facts surrounding the case. A party seeking the deposition of another party may do so by serving an advance notice of its time and place. A party seeking the deposition of a non-party may do so by requesting a subpoena from the clerk's office and serving the summons on the non-party.

- **Request for Admission**. A request for an admission is just that—a written request to another party asking him or her to admit a specific fact important to proving a claim or narrowing the issues in the lawsuit.

The parties do not file discovery documents with the court unless they are used during a hearing or at trial, they are necessary for a motion (such as a motion to compel discovery or for summary judgment), or the court orders them to be filed.

Parties may choose to share information informally as well, and they often do so when trying to negotiate a settlement of their claims so they can avoid the time and cost of continuing with the lawsuit.

7.5 Mediation

A mediation is nothing more than a settlement conference presided over by a certified, qualified mediator. The goal of a mediation is to settle the case to avoid additional time, cost, and burden of proceeding to trial. The Local Rules require most litigants to participate in mediation.

8. Trial

Preparing for trial is one of the most time-consuming and difficult parts of a lawsuit—for everyone. The court must prepare just as the parties and their lawyers prepare. From courtroom scheduling to managing discovery to ruling on motions, everyone at the court is very busy completing tasks leading up to and during the trial.

People who represent themselves, like lawyers representing clients, must prepare opening statements, closing arguments, witness lists, exhibit lists and exhibits, and questions for witnesses. If a witness is needed, the party who needs the witness must have the witness subpoenaed to appear and, in some instances, pay the witness's costs. Any original documents that are going to be offered as evidence must be brought to the courthouse. Copies of those documents have to be made too. There must be an original for the witness to testify about and file with the court plus a copy of the original for every party. If there is physical evidence other than a document that a party intends to introduce at trial, it should also be brought to court, whenever possible, so that a witness can testify about it and other parties can use it during questioning.

Not all witnesses are allowed to testify at trial. Not all documents or other objects offered as evidence are accepted as evidence during a trial. Only a judge can decide if a witness will be allowed to testify or an object or document will be accepted as evidence. If you are unsure whether you may offer witness testimony, documents, or other objects as evidence, you should consult the Federal Rules of Evidence well before trial.

9. Post-Trial

9.1 Final Judgment

A final judgment is the end of the case. In it, the court will enter judgment in favor of one party or the other on each claim. Its entry starts the time period for filing a notice of appeal. Orders before the final judgment are usually not immediately appealable.

9.2 Appeal

The appellate court over the Middle District of Florida is the United States Court of Appeals for the Eleventh Circuit. That court handles appeals from all federal courts in Florida, Georgia, and Alabama. It is headquartered in Atlanta. Like this court, the Eleventh Circuit Court of Appeals also offers persons representing themselves without lawyers a handbook. You can get it from the Eleventh Circuit's website:

Pro Se Handbook (Rev. 12/13)
http://www.ca11.uscourts.gov/documents/index.php

If you disagree with an appealable order or a final judgment of the district court, you may appeal under the Federal Rules of Appellate Procedure. It is important to first read the rules and determine if you have a right to an appeal. If you don't have a right to an appeal and file one anyway, it will delay proceedings in your lawsuit.

If you do have a right to an appeal, you must quickly file a notice of appeal in the district court. The number of days you have to file an appeal after a judgment varies, so you must consult the rules. The number of days can be as few as 20. Here are the contents of a typical notice of appeal:

> [Name of party appealing] hereby appeals to the United States Court of Appeals for the Eleventh Circuit from the [final judgment or order] entered in this case on [month] [day], [year].

When you appeal, you have to pay a $505 filing fee to the district court. If you cannot afford the filing fee, you may request to proceed in forma pauperis on appeal and have the fee waived. Any party who is not a prisoner and has been allowed to proceed in forma pauperis in the district court will also be allowed to proceed in forma pauperis on appeal to the Eleventh Circuit Court of Appeals.

If you did not proceed in forma pauperis in the District Court but would like to proceed in forma pauperis on appeal to the Eleventh Circuit Court of Appeals, you must file a special form along with your notice of appeal so the court can decide whether to waive the filing fee. If the court waives the filing fee, you will still be responsible for all other costs

of the appeal. You can get the form from the clerk's office or from the Eleventh Circuit Court of Appeals' website:

Motion for Permission to Appeal In Forma Pauperis with Affidavit
http://www.ca11.uscourts.gov/documents/index.php

10. Resources

10.1 Law Libraries

If you would like to research the law, the court libraries are open to the public as a courtesy. The libraries are open during normal business hours from Monday through Friday as long as library staff members are available. They are closed on federal holidays. It is best to call ahead to make sure the library will be open. Here is information about them:

Jacksonville	**Orlando**	**Tampa**
300 N Hogan St.	401 W Central Blvd.	801 N. Florida
Suite 13-350	Suite 3400	Suite 627
(904) 301-6650	(407) 835-5812	(813) 301-5320

10.2 Websites

Affidavit of Indigency Form DC 101
http://www.flmd.uscourts.gov/pro_se/docs/pro-seForms.htm

Civil Cover Sheet Form JS 44
http://www.flmd.uscourts.gov/pro_se/docs/pro-seForms.htm
Civil Cover Sheet, Automated Version
http://www.flmd.uscourts.gov/JS-44/cvcover.html

Eleventh Circuit Court of Appeals Civil Appeals Statement
http://www.flmd.uscourts.gov/pro_se/docs/pro-seForms.htm

Federal Bar Association
www.fedbar.org/

Federal Rules of Civil Procedure
http://www.law.cornell.edu/rules/frcp

Federal Rules of Evidence
http://www.law.cornell.edu/rules/fre

Federal Rules of Appellate Procedure
http://www.law.cornell.edu/rules/frap

Florida Legal Services
www.floridalegal.org/

Forms and Fees on the U.S. Courts Website
www.uscourts.gov/FormsAndFees.aspx

Local Rules for the Middle District of Florida
http://www.flmd.uscourts.gov/LocalRules.htm

Order - In Re: Amendments to Time Calculations in the Local Rules
http://www.flmd.uscourts.gov/LocalRules.htm

PACER Registration
www.pacer.gov/register.html

Summons Form AO 440
http://www.flmd.uscourts.gov/pro_se/docs/pro-seForms.htm

United States Code (unofficial edition)
www.uscode.house.gov

United States District Court for the Middle District of Florida
www.flmd.uscourts.gov

U.S. Courts
www.uscourts.gov/Home.aspx

Waiver of Service of the Summons Form AO 399
http://www.flmd.uscourts.gov/pro_se/docs/pro-seForms.htm