

NOTICE TO SELF-REPRESENTED (“PRO SE”) PARTIES

INTRODUCTION

The information in this handout is for individuals who are representing themselves in civil actions in the Western District of Wisconsin without the assistance of an attorney. Parties who represent themselves are often referred to as *pro se* parties or *pro se* litigants. *Pro se* means “for yourself.”

Unlike attorneys, *pro se* litigants may represent only themselves and may present only their own claims and defenses. Under the law, you may not speak for another person or entity such as a company or business. This means you may not file a class action lawsuit. A *pro se* litigant also may not authorize another person who is not a licensed attorney to appear for them. This includes a spouse, relative, or another party.

The court encourages all *pro se* litigants to consult this handout together with the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Local Rules of the U.S. District Court for the Western District of Wisconsin, and additional resources available on the court’s website¹, including forms and Frequently Asked Questions (FAQ).²

THE CLERK’S OFFICE

The authority and responsibilities of the clerk's office are outlined in Rules 77 through 79 of the Federal Rules of Civil Procedure. Joel Turner is the Clerk of Court for the Western District of Wisconsin. Andrew Wiseman is the Chief Deputy Clerk. When you write or call the clerk’s office you will speak with a case manager. Case managers are responsible for maintaining the official court record. They process paperwork, schedule matters before the judge, and perform work in the courtroom. **All case-related inquiries should be directed to the case managers. You are not permitted to contact the judge’s chambers directly by telephone, mail, or e-mail.**

Case managers and other clerk's office staff may assist you with some of your questions, but they are not authorized to provide you with legal advice. In general, legal advice is advice about the law; how to succeed in your case; and how to interpret the Constitution, statutes, rules, and other sources of law.

¹ <https://www.wiwd.uscourts.gov/representing-yourself>

² The Federal Rules, Local Rules, the United States Code, statutes, etc. are regularly updated. You are responsible for making sure that you are using the most recent version of each.

In addition to not providing legal advice, clerk's office staff may not:

- Make recommendations or suggest ways to help you win your case.
- Fill out or correct any forms for you.
- Predict how or when a judge may decide any issue.
- Interpret the meaning of any judicial order.
- Calculate response times or certain deadlines.
- Let you speak to a judge outside of a court hearing.
- Give you free copies of documents from your case.
- Conduct legal research for you.

Clerk's office staff may provide assistance regarding court administration and docket management. For example, clerk's office staff may:

- Answer general question about how the court works.
- Give general information about court rules, procedures, and practices.
- Provide or refer you to available court forms.

RESPONSIBILITIES OF *PRO SE* LITIGANTS

As a self-represented litigant, you have certain responsibilities and you take on certain risks. In particular, you must ensure that you conduct your case and present your filings in compliance with the Federal Rules of Civil Procedure and the local rules and procedures of the U.S. District Court for the Western District of Wisconsin. In addition, you should familiarize yourself with the Federal Rules of Evidence and any substantive law that governs the merits of your case. The fact that you do not have an attorney does not relieve you of these responsibilities.

The following list of responsibilities is not intended to be exhaustive. The list provides a few examples of the way *pro se* litigants are expected to conduct themselves in a civil case in this court:

1. You are required to diligently prosecute your lawsuit. Unless and until you obtain an attorney to represent you, it is your responsibility to do everything necessary to prepare your case for trial. This includes, but is not limited to, responding to discovery requests and motions. If the case goes to trial, it will also be your responsibility to present your case in court.
2. Do not expect any correspondence or orders from the court instructing you about how to pursue your lawsuit. If you fail to follow established procedures and orders issued by the court, your case may be subject to dismissal.

3. You must file all pleadings with the court and all pleadings must contain your signature on the last page. You are required to serve an attorney for an opposing party – or the opposing party directly, if they are unrepresented – with copies of all pleadings and motions that you file with the court. Likewise, each opposing party is required to serve you with copies of all pleadings they file with the court. Each pleading must contain the case caption, case number, and title of the document.
4. Documents filed with the court are publicly available. As provided in Rule 5.2 of the Federal Rules of Civil Procedure, you must take special care not to disclose in your filings any social security number, taxpayer-identification number, financial account number, birth date, or the full name of a minor. All such references must be redacted. "Redacted" means that before you file the document, you must make sure it contains only the last four digits of a social security number or taxpayer ID number, only a birth year, only the initials of a minor, and only the last four digits of a financial account number. The person filing the document is responsible for making these redactions. Clerk's office staff will not redact any personal information. Rule 5.2 protects personal privacy because all filings submitted to the court, electronically or on paper, will appear on the docket and be publicly available.
5. You must keep the court and all other involved parties advised of any change of your address or telephone number. This is done by providing a Notice of Change of Address in writing. Failure to do so may result in the imposition of sanctions, which could include the dismissal of your case.
6. You should retain for your records a copy of every document you submit to the court. You may obtain copies from the clerk's office for a fee. The clerk's office may not provide you with copies free of charge.

FILING CHECKLIST FOR *PRO SE* LITIGANTS

The court must receive documents that are clear and easy to read. Please review the Guide to Filing a Complaint Without a Lawyer in Federal Court. The Guide is included in each prisoner and non-prisoner complaint package³. Please review the following checklist to submit the best possible document:

- ✓ Type or write your document so that it is easy to read:
 - o Use black or dark blue ink. ***Do not use pencil.***
 - o Use 8.5" x 11" white paper.
 - o Use only one side of each sheet of paper.
 - o Leave a margin on the top, bottom, and both sides of your paper.
- ✓ Put the name of your case (e.g., John Doe v. Jane Smith) and case number (e.g., 15-cv-1234) on the first page of every document.
- ✓ Include your signature, the date, and your address.
- ✓ Do not staple or fasten your pages together.
- ✓ Keep your document in good condition with smooth, flat pages. Avoid folding, crumpling, creasing, curling, or tearing pages.
- ✓ Mark your attachments with numbers or letters (A, B, C or 1, 2, 3) and put them in order.
- ✓ Remove any confidential information to protect your privacy:
 - o Your social security number should include only the last four digits.
 - XXX-XX-1234 or ■■■■-■■■-1234
 - o Your birthdate should include only the year.
 - XX/XX/1985 or ■■/■■/1985
 - o Your minor children's names should include only their initials.
 - M. J. Smith or M■■■ J■■■ Smith
 - o Your financial account numbers should include only the last four digits.
 - XXXXXXXX5678 or ■■■■■■■■5678
- ✓ Submit your document by the court's filing deadline.

³ Instructions and forms can be found here: <https://www.wiwd.uscourts.gov/pro-se-forms>