

## **The Four Commandments for Dealing with Attorneys**

1. Make use of their specialized training -- use them as resources, when that's appropriate.
2. Use caution in relying on a lawyer's representations when he or she is acting as an advocate.
3. Be Assertive! When an attorney claims that his or her argument is supported by a case or statute, insist that you be furnished with a copy. Let the lawyers know that you will rule in their favor only if you fully understand their arguments -- that you won't be "snowed" by complicated technical legal arguments made quickly and with little regard for whether they are understood by the listener.
4. Remember that the rules of evidence are only "generally" observed in small claims court, and that the rules of evidence are often strictly observed only in the presence of a jury. Magistrates, like judges at all levels, prefer to hear the evidence unaccompanied by constant objections based on technical points of law. Make use of your judicial prerogative to require attorneys to minimize objections.

### **What you could say to an attorney who objects frequently:**

"As you know, we are about to conduct a trial before the judge without a jury, and one of the parties is not represented, which is frequently the case in this court. My policy in such situations is to be lenient in allowing evidence to be offered, so that parties may testify without interruption. At the close of the evidence I will hear any argument the parties would like to offer concerning evidence that you think I should not consider. After hearing your argument, I will carefully consider all of the relevant admissible evidence and determine what weight I believe it deserves before arriving at my decision."