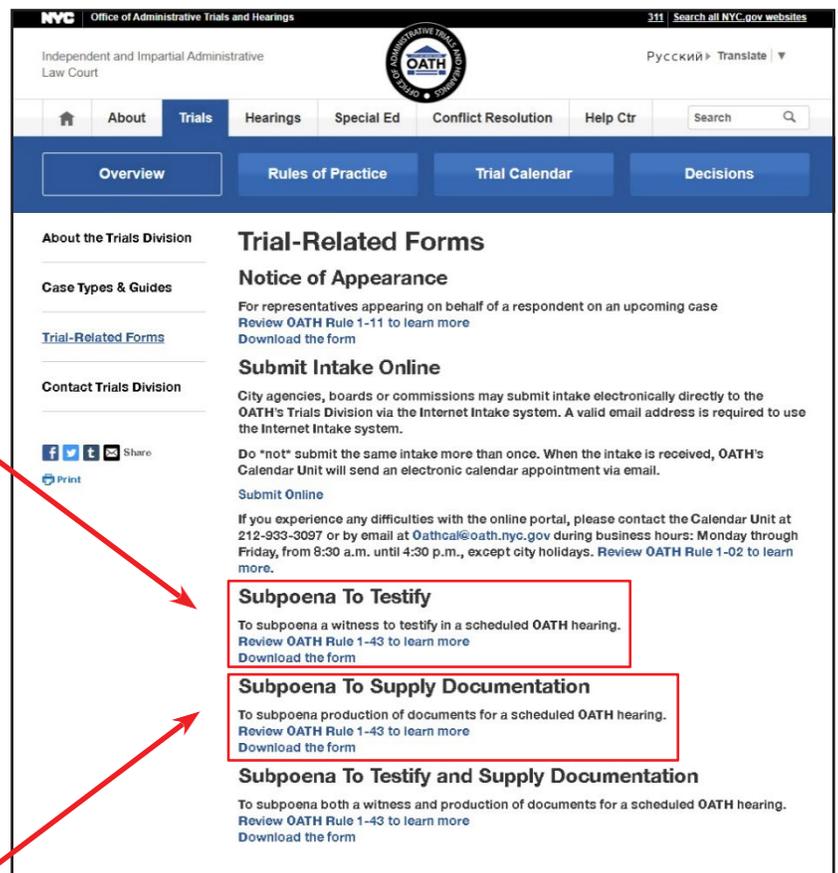




Rights of Self-Represented Litigants at the Trials Division

- 1 If you are representing yourself, you must follow the same rules and procedures that licensed attorneys or experienced representatives must follow. You can become familiar with OATH's Rules of Practice by reading them online at <https://www1.nyc.gov/site/oath/trials/rules-of-practice.page>
- 2 You have the same rights as people who have attorneys. Each side has the right to make an opening statement at the start of the trial. You can also make a closing statement at the end of the trial before the record is closed. If the trial judge permits it, you will be able to submit a written summation after the close of the trial. The judge will give you a deadline to submit this statement, if allowed.
- 3 You have the right to call witnesses. If a witness is unwilling to attend the proceeding, you can ask the administrative law judge to sign a subpoena ad testificandum, or subpoena to testify, requiring the attendance of the person to give testimony at your trial. Subpoena forms are located on the OATH website, at <https://www1.nyc.gov/site/oath/trials/trial-related-forms.page> (go to "Subpoena To Testify"). After the subpoena is signed by the judge, you are responsible for serving the subpoena on the person who is supposed to receive it.
- 4 You also have the right to ask the administrative law judge to sign a subpoena duces tecum, or subpoena for documents, on the other party or a third-party. Once signed by the administrative law judge, this would require the party to produce documents or other things at or before trial. After the subpoena is signed by the judge, you are responsible for serving it on the person you are requesting the materials from. This form is also available on OATH's website, at <https://www1.nyc.gov/site/oath/trials/trial-related-forms.page> (go to "Subpoena to Supply Documentation").
- 5 During the trial, you can conduct a direct examination of your witnesses, but you can only ask questions that are relevant to the claims and defenses in the case. Each side will have an opportunity to question and cross-examine any witness. You also have the right to object to questions that are asked of a witness by the other side. You can also raise an objection to the other side's use of a particular document or other material. If an objection is raised, the judge will decide who is right and what gets admitted into the record.



- 6 You may also choose to testify on your own behalf. You will be treated as any other testifying witness except that you will be permitted to speak in a narrative form. That means you can tell your side of the story. The attorneys for the other side will have the opportunity to ask you questions, as will the trial judge. You may bring notes or an outline to aid in your testimony.
- 7 You have the right under the Fifth Amendment of the Constitution not to testify if your testimony would tend to show that you are guilty of a crime. But if you choose not to testify at OATH, the OATH judge may find that your silence means that your testimony would not be favorable to you.
- 8 You also have the right to ask the judge if you can introduce documents or other documentary evidence into the record. If you want to introduce exhibits, you must bring copies of any exhibits for the other parties. Be sure to have one copy to be introduced into evidence, and one copy for the witness. You should also bring a copy for yourself. If you are appearing by video, please be sure to have evidence in electronic format (such as a photo of your document or evidence) so that you can email it to the judge and other parties.
- 9 If at any point you change your mind and would like to be represented by an attorney, please notify the Administrative Law Judge.
- 10 OATH decisions in cases like yours can be found by using the OATH database by visiting our website at <https://www.nyc.gov/site/oath/trials/search-decisions.page>. You can search using keywords.