



**USFLMD PRO SE HANDBOOK
SECTION V: PRELIMINARY QUESTIONS TO ASK
(ALL-IN-ONE DOCUMENT)**

US DISTRICT COURT, FLORIDA, MIDDLE DISTRICT
{LAST UPDATE: 2/10/2022}

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PRO SE HANDBOOK
FROM THE US DISTRICT COURT, FLORIDA, MIDDLE DISTRICT

SECTION V PRELIMINARY QUESTIONS TO ASK

ITEMS 5.1 through 5.6



5.01 | 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. A federal court can decide only certain types of cases. This is known as "subject matter jurisdiction." Generally, this court can hear only 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 bring your lawsuit here. Instead, consider state, local, or administrative courts (or perhaps arbitration, mediation, or other types of alternative-dispute-resolution means).

If your dispute falls into one of those four categories and you want to proceed in federal (as opposed to state) court, you must decide whether the Middle District of Florida is the correct venue. 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 is the Middle District of Florida, you then must figure out the proper division of the Middle District of Florida. There are five divisions with clerk's offices. Division offices and their associated counties are:

- **Fort Myers:** Charlotte, Collier, DeSoto, Glades, Hendry, and Lee;
- **Jacksonville:** Baker, Bradford, Clay, Columbia, Duval, Flagler, Hamilton, Nassau, Putnam, St. Johns, Suwannee, and Union;
- **Ocala:** Citrus, Lake, Marion, and Sumter;
- **Orlando:** Brevard, Orange, Osceola, Seminole, and Volusia; and



- **Tampa:** Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota



5.02 | IS THERE AN ALTERNATIVE TO REPRESENTING MYSELF?

Most people who sue or are being sued hire a lawyer familiar with the law and the court's rules. A lawyer can accept your action for an hourly rate or on contingency under which you agree to pay a percentage of recovery as the fee if you win your action, and no fee (but sometimes costs and expenses) if you do not. The lawyer likely will screen your action to make sure you have a reasonable chance of winning. Some laws may require the other side to pay for your lawyer if you win. Other laws may require you to pay for the other side's lawyer if you lose.

If you want to have a lawyer represent you but you cannot afford one, you may contact Florida Legal Services at (407) 801-4350. Its staff can explain the options for obtaining legal services for free or at a reduced rate. The Florida Bar also has a lawyer referral service you may contact at (800) 342-8011 or <https://lrs.floridabar.org/>. Referral services do not guarantee a lawyer for you; they will merely try to refer you to lawyers who may consider – in their discretion and under their terms – serving as your lawyer.

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.

This court is not affiliated with any of these services or organizations and merely provides them as a possible source of help for you. This list is not exhaustive; there might be other organizations that can help you.

Fort Myers

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

Florida Rural Legal Service Inc.
(239) 334-4554
(800) 277-7680
(888) 582-3410
www.frls.org



Jacksonville

Jacksonville Area Legal Aid, Inc.

(904) 356-8371

(866) 356-8371

www.jaxlegalaid.org

Jacksonville Bar Association Lawyer Referral Service

(904) 399-5780

www.jaxbar.org/page/LawyerReferralServ

Three Rivers Legal Services, Inc.

(866) 256-8091

www.trls.org

Ocala

Community Legal Services of Mid-Florida

(352) 629-0105

<https://clsmf.org>

Orlando

Community Legal Services of Mid-Florida

(407) 841-7777

<https://clsmf.org>

Legal Aid Society of the Orange County Bar Association

(407) 841-8310

www.legalaidocba.org

Orange County Bar Association Lawyer Referral Service

(949) 440-6747

(877) 257-4762

www.lrisoc.org



Tampa

Bay Area Legal Services, Inc.

(813) 232-1343

(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)

www.gulfcoastlegal.org

St. Michael's Legal Center

(813) 289-5385

www.stmichaelslegalcenter.com/seeking-assistance

Hillsborough County Bar Association Lawyer Referral Service

(813) 221-7777

<https://hillsbarlrs.com>

You can also move the court to ask a lawyer to represent you. But unlike in a criminal matter, you do not have a right to counsel in a civil action. Asking a lawyer to represent you is reserved for extraordinary circumstances, and a lawyer can say no.



5.03 | FREE FACE-TO-FACE LEGAL INFORMATION PROGRAM

The Jacksonville, Orlando, and Tampa Chapters of the Federal Bar Association allow a pro se litigant to meet face to face with a lawyer to ask general questions about procedures governing an action in federal court. The lawyer cannot provide legal advice or represent the litigants. No appointment is necessary.

Jacksonville

Every Tuesday, 11:00 to 12:30
Bryan Simpson United States Courthouse
Clerk's Office
300 North Hogan Street
Jacksonville, FL 32202
(904) 549-1900
www.flmd.uscourts.gov/sites/flmd/files/documents/mdfl-legal-information-program-jacksonville.pdf

Orlando

Every Tuesday, 11:00 to 12:30
George C. Young United States Courthouse
Clerk's Office
401 West Central Boulevard
Orlando, FL 32801
(407) 835-4205
www.flmd.uscourts.gov/sites/flmd/files/documents/mdfl-legal-information-program-orlando.pdf

Tampa

Every Tuesday, 11:00 to 12:30
Sam M. Gibbons United States Courthouse
Clerk's Office
801 North Florida Avenue
Tampa, FL 33602
(813) 301-5400
www.flmd.uscourts.gov/sites/flmd/files/documents/mdfl-legal-information-program-tampa.pdf



5.04 | IF I REPRESENT MYSELF, WHAT WILL I HAVE TO DO?

If you cannot find a lawyer to represent you, you can pursue your claim or defend a lawsuit by appearing without a lawyer (except a business and corporate entity must be represented by a lawyer).

If you sue, you must diligently prosecute your action or your action will be dismissed. You are responsible for doing everything necessary for the action to move forward. You must:

- 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 incur in having to appear;
- Provide required discovery (for example, the names and contact information of each witness you plan to call at trial and each document you plan to introduce at trial);
- Answer the opposing party's discovery requests (in other words, upon request, give them the evidence in your possession that is not subject to protection, even if the evidence is bad for you);
- Prepare and serve your discovery requests;
- File disclosures required by court rules;
- Know and meet all deadlines and filing requirements;
- Attend each court hearings and meeting;
- Attend court-ordered mediation and pay for some of its costs or attend a court-ordered settlement conference before a United States Magistrate Judge; and
- Arrange for and attend depositions, if necessary.



5.05 | 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 a court rule, or otherwise participating, directly or indirectly, in any action. 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.

A judge cannot give legal advice because they will rule on motions by the parties and may ultimately decide the dispute. They must remain neutral. A law clerk or other judicial staff member likewise cannot give legal advice. When pursuing your action, you generally cannot speak to the judge or a law clerk without the other party (or the other party's lawyer) present. Except for proceedings in open court, your communication with the judge must be in writing and filed with the clerk's office, with a copy sent to each party (or the party's lawyer if the party is represented). No filing may be in the form of a letter. Sending correspondence directly to a judge or to a judge's chambers is improper.

The court library staff is prohibited from giving legal advice or helping complete a form. A staff member can show you where a book is in the library and how to make a copy of a page from a book.



5.06 | 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 can view the docket at a public-access terminal in our clerk's offices. A copy of a document in the docket cost \$.50 a page if made by a clerk's office employee and \$.10 a page if made by the litigant using a terminal. The clerk's office staff may provide basic docket information, in person or over the phone, but may charge a fee of \$31 for a records search.

If you have internet access, you may also register for PACER (Public Access to Court Electronic Records) and view and print the documents in a 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 a page for viewing or printing. PACER will give you details when you register. Problems with PACER should be addressed to PACER, not to the court.



APPENDIX



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ORIGINAL SOURCE

<u>#</u>	<u>Item</u>	<u>Link</u>
1	Original Source	https://FLMD.USCourts.gov

CONTACT INFORMATION

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W: www.TextBookDiscrimination.com

Congratulations! You're now ***booked up*** on Section V of USFLMD's Pro Se Handbook!

