

FREE CHEAT SHEET ON HOW TO APPEAR AND TALK IN COURT AT THE PRE-TRIAL

See my Top Ten Tips on preparing for Court and the Video.

CASE NUMBER: _____ **JUDGE NAME:** _____

The following approach is what you can use to eliminate nervousness, take control and be heard once in Court. Follow the prep advice in the tips too.

As an unrepresented person, you can do and ask for things an attorney would not as you are given lee way so the judge feels "fair."

Appear in formal, respectful attire and try to have any shade of blue, preferably dark blue . Blue is the color of trust.

Check off each box in Court. It is a minor security blanket if you get off track. Don't keep repeating minor things. Hit it and move on.

[] **Smile** and always sound friendly when addressing the Court. Appear to get negative when addressing what the debt collector did or did not do. Smile a mile for the Court.

[] **Speak loudly and clearly** and say, "May it Please the Court. I am Dorothy Debtor, and I am the Defendant against the debt collector-**PRO TIP:**

Never refer to the other side by name, company or even Plaintiff. The words debt collector conjures up negativity in most people's mind so **ALWAYS refer to the other side as a debt collector**. Have a goal of trying to say it three times during the session.

[] **ALWAYS stand**, even in a Zoom meeting. This is your first meeting with the Court so make your first impression a good one. From then on, always stand whenever talking. Even if the Judge tells you to sit while the other side talks. Then stand again. It is non-verbal respect for the Court. Also, the other side will probably remain seated. Makes them look bad. Never miss a chance to make a good impression or make the other side look bad. It's a game of inches.

[] **Three second rule**. Wait three seconds before saying anything and always take a deep breath first. Clears the emotion and anxiety out.

[] Have your Answer (Counter Affidavit), their lawsuit and your pre-trial statement in a **binder** in front of you for reference only. Have pink sticky notes on key items either proving your case or showing why the debt collector does not

own the debt. **Write in bold letters what the note is identifying** so you can look down at the note if asked about something in the binder.

[] Have your statement about your case be **Brief but Full of Content**: Imagine you are doing a Tik Tok, and you only have sixty seconds. “Your honor, this is the case of the debt collector wrongfully suing me for a debt it cannot prove it owns. Indeed, their own paperwork shows a broken chain of title and that they have no standing to sue me on this debt. I would ask the case be immediately dismissed.” (This is not going to happen, but it immediately puts you in control, surprises the other side and might give the judge a nudge to look at their lawsuit.

[] Discovery: **Point to the Bill of Sale and reference the Forward Flow Agreement** and tell the court that as the Bill of Sale says it is condition on the “Terms and Conditions” of the Forward Flow Agreement or Purchase Agreement, you would like to see “the Terms and Conditions the whole case is based upon in discovery.

PRO TIP: The other side will go a little nuts, but you will reek enormous cred and you may get a judge agreeing with you. That could settle the case. Do a little research into the Forward Flow Agreement beforehand. Debt Buyers guard this from anyone seeing it. But their own documents refer to it

[] If you are asked if you owe the debt, state the truth: “Your honor, I do not owe ANY debt to this debt collector and the debt collector has failed to meet its burden of proof to show I do own it.” If the Judge asks or pushes you to acknowledge knowing the debt, **don’t get caught into the trap**. “Again and respectfully your honor, I do not owe anything to the debt collector who has not met its burden of proof of ownership to ask that question of me.”

[] Know what you are saying. Do the research on what you are saying so if you say they have not met the Burden of Proof, show the court. **The Counter Affidavit serves you well here.**

[] If you have an opening to **point out an error by the other side**, do it. All about control-it also settles cases. So does asking for the Forward Flow Agreement.

[] **Never look at the other side.** Be writing clues you hear when they talk.

[] **End with a smile** and tell the Court, “Have a good rest of your day, Your Honor.

