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LANDMARK CASES

Faretta v. California: The Case That Says You May Speak for Yourself

In 1975 the Supreme Court held that a criminal defendant has a constitutional right to refuse a lawyer and conduct his own defense. Here is what the decision says, and what it does not.



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Anthony Faretta was charged with grand theft in Los Angeles. Before trial he asked to represent himself. The trial judge first allowed it, then reversed course after questioning Faretta about the hearsay rule and jury selection, and appointed a public defender. Faretta was convicted.

What the Court decided

In *Faretta v. California*, 422 U.S. 806 (1975), the Supreme Court ruled 6-3 that the Sixth Amendment gives a person accused of a crime the right to conduct his own defense. Writing for the majority, Justice Potter Stewart reasoned that the amendment grants the defense to the accused personally. A lawyer is an assistant, and forcing one on an unwilling defendant violates the structure of the right.

The Court added an important condition. A defendant who chooses to go without a lawyer must do so "knowingly and intelligently." Judges usually make sure the person understands the dangers of self-representation before allowing it. The person does not need a lawyer's skill or legal knowledge to make that choice.

The limits that came later

Several later decisions shaped how the right works in practice:

- **Standby counsel.** In *McKaskle v. Wiggins*, 465 U.S. 168 (1984), the Court allowed judges to appoint a standby lawyer over a self-represented defendant's objection, as long as the defendant keeps actual control of the case and the jury sees him as running his own defense.
- **Appeals.** In *Martinez v. Court of Appeal of California*, 528 U.S. 152 (2000), the Court held that *Faretta* does not create a constitutional right to self-representation on a direct appeal.
- **Competence.** In *Indiana v. Edwards*, 554 U.S. 164 (2008), the Court held that states may require a lawyer for a defendant who is competent to stand trial but not competent to conduct the trial alone because of severe mental illness.

What about civil cases?

Faretta is about criminal defense. In civil cases the right to speak for yourself usually comes from statutes and court rules. In federal court, for example, 28 U.S.C. § 1654 provides that parties "may plead and conduct their own cases personally or by counsel." Most state courts have similar rules. In general, a business or other organization must appear through a lawyer.

Why it matters today

Faretta recognizes something every self-represented litigant feels: your case is your life, and the law respects your choice to present it. The decision also carries a warning the justices themselves repeated. The rules of evidence and procedure still apply, and preparation is everything.

Food for Thought

- The Court said the choice to go without a lawyer belongs to the defendant, even when it is a bad choice. Is respecting that choice more important than protecting people from their own mistakes?
- Should judges be allowed to insist on a lawyer for someone who is competent to stand trial but struggles to run a defense alone, or does that undercut the right *Faretta* recognized?
- If the Constitution protects your right to speak for yourself in a criminal trial, why shouldn't that same respect come with more help for people who represent themselves in civil court?

How Kasecraft can help

Practice is the closest thing to experience. Kasecraft's **Moot Court** lets you rehearse a hearing with volunteer judges and opposing counsel using made-up facts, so the real courtroom is not your first time speaking in one.

KASECRAFT FEATURE SPOTLIGHT

Template Marketplace

When legal fees are out of reach, you do not have to walk into court alone and unprepared. Each edition, we look at one Kasecraft tool and how it helps self-represented litigants present their case with confidence.

WHAT IT DOES

Redacted, fill-in-the-blank court documents shared by people who filed them, organized by state, court, and category, with previews, buyer reviews, and online fill-in.

AN EXAMPLE

David received an eviction complaint and has only a few days to respond. He filters the marketplace by his state and finds an answer template written by a tenant who went through the same court. He previews it, fills it in online, and reads the included "How to use this template" notes on filing.

WHY IT PUTS YOU IN A STRONGER POSITION

- Starting from a document someone actually filed shows you the structure the court expects.
- State-specific templates reduce the risk of using the wrong form or format.
- Reviews from other buyers help you choose documents that worked.

Cost: Set by each seller (\$0 to \$200); many are free. kasecraftportal.com/marketplace

MORE TOOLS IN YOUR CORNER

Peer Sessions (Services): Book time with members who have been through court for practical, peer-to-peer support.

Community Notice Board: Find study groups, events, and people offering or asking for help.

Drafting Studio: Court-formatted templates, a guided document builder, and a privacy check before you file.

Kasecraft tools are self-help resources, not legal advice or representation.

SOURCES AND CITATIONS

1. Faretta v. California, 422 U.S. 806 (1975), Justia <https://supreme.justia.com/cases/federal/us/422/806/>
2. McKaskle v. Wiggins, 465 U.S. 168 (1984), Justia <https://supreme.justia.com/cases/federal/us/465/168/>
3. Martinez v. Court of Appeal of California, 528 U.S. 152 (2000), Justia <https://supreme.justia.com/cases/federal/us/528/152/>
4. Indiana v. Edwards, 554 U.S. 164 (2008), Justia <https://supreme.justia.com/cases/federal/us/554/164/>
5. 28 U.S.C. § 1654, Cornell Legal Information Institute <https://www.law.cornell.edu/uscode/text/28/1654>

This article is general information, not legal advice. Laws change and differ by place. For advice about your situation, contact a licensed attorney, legal aid, or your court's self-help center.

Sandra Jenkins is the Kasecraft Journalist byline for Kasecrafter Testimonials, and her portrait is digitally created. Articles are researched from public sources and drafted with AI assistance, then published automatically every Monday and Thursday. They are general information, not legal advice. Spot an error? Write to kasecraftportal@aol.com.

ADVERTISE WITH US · COMMUNITY NOTICE BOARD

Your Notice Could Be Here

Businesses, individuals, schools, and organizations are invited to reach self-represented litigants, families, and students on the Kasecraft Community Notice Board: a trusted place to share announcements, request or offer assistance, and promote events and resources. Every listing is posted by a registered member and held to our community policy.

- **Six categories:** Announcement, Seeking help, Offering help, Event, Resource, and Other.
- **Simple to write:** a clear headline, a category, up to 500 characters, and an optional image link.
- **Flexible terms:** 30 days for \$5, 60 days for \$9, or 90 days for \$12 (best value, save 20%). Secure checkout through Stripe; Kasecrafter Dollars and member rewards apply automatically.
- **Private replies:** members respond through on-site messages. Your email and phone number are never displayed.
- **Published fast:** your notice goes live as soon as payment is confirmed, and readers can save it to come back later.

Get started: create your free account or log in at kasecraftportal.com/notices, then click Post a Notice. *Signing up is free. Listings start at \$5 for 30 days.*

SAMPLE LISTINGS

EVENT

Free Legal Forms Clinic

Library volunteers help you find the right court forms. Saturdays, 10 to 1.

OFFERING HELP

Exhibit Lists Reviewed

Two-time pro se plaintiff offering to review exhibit lists. Message me on the site.

RESOURCE

Fee Waiver Guide

A plain-language walkthrough of court fee waiver forms and where to file them.